

The Daily News Digest

Friday, August 06, 2010

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DAILY NEWS DIGEST ARTICLES

August 6, 2010

Section I: Hydro-Fracking

Arguments against hydraulic fracturing unfounded

NewsOK.com, 08/06/10

Summary: Many people are aware of the debate surrounding hydraulic fracturing and the accompanying claims of pending environmental disaster from those who want it stopped or placed under strict federal regulation. Arguments against hydraulic fracturing unfounded In more than 20 years as a corporation commissioner, I've never seen anything that approaches this current unfounded and growing national hysteria.

Section II: Texas Air

GOP foes of emissions policies play up GAO report

Environment & Energy Daily, 08/05/10

Summary: Top House Republicans say a government watchdog report showing flaws with international emission data ought to keep the United States from rushing to curb domestic greenhouse gases. Rep. Joe Barton (R-Texas), the ranking member of the Energy and Commerce Committee, and other key Republicans released a Government Accountability Office report yesterday showing that emission inventories from developing countries like Brazil, China, India and others were dated and of lower quality than those from developed countries including the United States.

Texas Sues EPA Over Tailoring Rule

BNA's Daily Environment, 08/05/10

Summary: Texas has sued the Environmental Protection Agency in the U.S. Court of Appeals for the District of Columbia Circuit, challenging the agency's greenhouse gas tailoring rule (Texas v. EPA, D.C. Cir., No. 10-1222, 8/2/10). The Texas lawsuit brings the number of lawsuits filed over the rule to 25. The deadline for filing lawsuits challenging the tailoring rule was Aug. 2 (148 DEN A-12, 8/4/10). Although the court docketed the complaint with the date Aug. 2, the complaint was not made available until Aug. 4. The lawsuit was filed on behalf of Gov. Rick Perry (R), Texas Attorney General Greg Abbott (R) and several state commissions and offices. The Texas lawsuit joins one filed by Alabama and several other states, and another by the Louisiana Department of Environmental Quality.

EPA faces a showdown with Texas over pending climate rules

ClimateWire, 08/05/10

Summary: Texas pushed back against U.S. EPA's authority to regulate greenhouse gas emissions this week and bluntly stated it does not intend to take any steps to comply with the agency's policies on the matter. In a sharply worded letter the state said it refuses to fulfill "EPA's demand for a loyalty oath" on its regulations. "On behalf of the State of Texas, we write to inform you that Texas has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions," Texas Attorney General Greg Abbott (R) and Texas Commission on Environmental Quality Chairman Bryan Shaw wrote in a joint letter to EPA Administrator Lisa Jackson.

Texas defies EPA on regulation of greenhouse gases

Greenwire, 08/04/10

Summary: Texas officials warned U.S. EPA this week they won't change or reinterpret their air pollution laws to comply with federal greenhouse gas regulations, arguing that the Obama administration's climate rules are illegal. EPA plans to begin regulating stationary sources of greenhouse gases next January and asked states to inform the agency by this week whether they would need to change state laws or regulations to comply with federal policies.

BP faces lawsuit over Texas refinery leak

Greenwire, 08/04/10

Summary: A lawsuit was filed against BP PLC's Texas City refinery yesterday, alleging that benzene leaks at the facility between April and May endangered workers and caused health problems. The suit was filed in the federal court in Galveston, Texas, on behalf of 10 named plaintiffs and 2,200 unnamed ones. It said that the alleged negligence by BP had reduced property values and exposed workers and residents to toxic chemicals. The suit seeks punitive damages of more than \$10 billion and an end to the pollution.

Section III: Oil Spill

Final plug nears after crews cement oil well's top

AP, 08/06/10

Summary: Crews moved closer to a final seal on BP's blown-out oil well in the Gulf of Mexico after pumping fresh cement into the top of the well to hold down mud that is stopping the seafloor gusher. Engineers poured in cement Thursday to complete a plug at the top of the wellbore, called a static kill, and planned to wait at least a day for it to harden. Once that's done, crews can work on injecting more mud and cement into the bottom of well from deep underground to form a final and lasting plug.

Children Deal With Gulf Oil Spill Stress Too

AP, 08/06/10

Summary: Nine-year-old Zack Wilkerson spent a good chunk of his summer on the computer watching video of undersea robots try to fix the oil spill in the Gulf of Mexico. It wasn't his first choice, but the oil that spewed into the Gulf about 100 miles from his Galliano, La., home kept him from going fishing with his dad or to the beach with his family. As he prepares to start fifth grade on Friday, he wonders if some of his friends will be gone, their parents leaving the small towns on Bayou Lafourche because the fishing and tourism jobs are gone.

Scientists give Gulf of Mexico a 'C' before spill

AP, 08/05/10

Summary: The Gulf of Mexico was not a pristine place even before the BP oil spill. Scientists asked to grade its health pre-spill gave it a "C" and graded its fish and wetlands a "D." The Associated Press sought these baseline assessments from 75 scientists as part of a series that will follow the recovery of the Gulf. Scientists only offered grades in their areas of expertise and an average was calculated for each category.

Crews await drying of cement in Gulf oil well

MSNBC, 08/06/10

Summary: Crews working to seal the blown-out Macondo oil well in the Gulf of Mexico were waiting Friday for fresh cement that was pumped in to dry in one of the final steps of the so-called "static kill." Engineers pumped the cement down the throat of the well Thursday and planned to wait at least a day for it to dry. The daylong cementing operation followed earlier injections of heavy drilling mud this week that had subdued the upward pressure of oil and gas inside the deep-sea well.

BP Done Pumping Cement Into Well

NY Times, 08/05/10

Summary: For more than three months, an oil-weary nation has waited for the moment when engineers would begin pumping cement into BP's runaway well, in hopes of plugging its flow for good. That moment arrived quietly on Thursday, with cement following the tons of mud already poured into the well in the operation called a static kill. Because no significant amount of oil has leaked since the well was tightly capped on July 15, the start of the cementing was almost anticlimactic. BP did not even hold its regular daily briefing, saying that Kent Wells, the senior vice president who usually explains the technical details to reporters, was traveling. When the cement operation was completed in the afternoon, the company put out a brief announcement.

Mexican Guest Workers, Laid Off, Want BP's Help

NY Times, 08/05/10

Summary: Soon after the oil from the Deepwater Horizon began gushing into the Gulf of Mexico, business at the Ramada Plaza Beach Resort in Fort Walton Beach, Fla., dried up — and so did the jobs of five Mexican housekeepers who were guest workers at the hotel under contracts guaranteeing them work until Nov. 1. “On June 30, they told us our jobs were over, and that we had to leave our housing and go back to Mexico,” Salvador Luna Espinoza, one of the housekeepers, said in a telephone interview conducted with a translator. “I’m staying with friends now, but I don’t know how long they’ll put up with me.” While thousands have lost their jobs as a result of the oil spill, the layoffs present special hardships for guest workers, mostly hotel workers and those working in shellfish processing.

Turning a Crisis Into an Opportunity

NY Times, 08/05/10

Summary: At a political fund-raiser on Thursday for a close friend running for his old Senate seat, President Obama brought up the oil spill in the Gulf of Mexico to make his case to voters. When the other side was in power, he said, they told the oil industry to “write your own rules.” More recently, he said, they “voted against holding oil companies like BP accountable for every dime of the spills they cause.” One leading Republican, he recalled, even “apologized to them.”

Plans still call for mud and cement to be pumped in to bottom of BP's Macondo well

NOLA Times-Picayune, 08/05/10

Summary: Though BP's Macondo well is currently being cemented from the top, National Incident Commander Thad Allen said there will still most likely be mud and cement pumped in to the well's bottom. "This well will not be killed until there is a bottom kill," Allen said in a press briefing Thursday morning. "This will not be done until we complete the bottom kill." A relief well will intersect the bottom of the Macondo well and be used to pump cement in from the bottom.

BP pumping cement in well to finish 'static kill'

AP, 08/05/10

Summary: BP began pumping a steady stream of fresh cement into its blown-out oil well Thursday, hoping to seal for good the ruptured pipe that blew its top months ago and spewed crude into Gulf of Mexico in one of the world's worst spills. A day before, crews forced a slow torrent of heavy mud down the broken wellhead to push the crude back to its underground source. This next step in the so-called "static kill" is intended to keep the oil from finding its way back out.

Environment's rebound from oil spill clouded by unknowns

USA Today, 08/05/10

Summary: Environmental scientists, such as biochemist Arne Jernelöv of Sweden's Institute for Futures, generally talk about the recovery from the Gulf of Mexico oil spill's worst effects as a matter of years, not decades. Blessed with a hothouse environment, fast-growing marshes may appear to shrug off oil in months or weeks while microbes chew up much of the oil on the surface. A government report Wednesday said that only about a quarter of the spilled oil remains in the Gulf. Jane Lubchenco, administrator NOAA, said much of the oil has evaporated or naturally dispersed into the seawater; still more has been burned, skimmed, chemically dispersed or captured by the first containment cap, which leaked badly but still carried oil to waiting ships.

Inhofe slams EPA for dispersant strategy

Greenwire, 08/04/10

Summary: The Senate environment committee's senior Republican today led a defense of BP PLC's use of more than 1.8 million gallons of chemical dispersants in the Gulf of Mexico but left the door open to working with Democrats on reforming the use of the products "if there's a need for it." Sen. James Inhofe (R-Okla.), a conservative who has battled the majority party on cap-and-trade climate legislation and other regulatory efforts, held his fire at Democrats while chastising U.S. EPA for its dispersant strategy over the course of the 86-day Gulf oil gusher.

Landrieu pushing to get BP penalties for Gulf Coast restoration

Greenwire, 08/04/10

Summary: Louisiana Democrat Mary Landrieu is urging Senate colleagues from the Gulf Coast to snare no less than 80 percent of all penalties to be paid by BP PLC for the massive Gulf of Mexico oil spill for coastal restoration in their five states. Landrieu began circulating her proposal, which is dubbed "Justice for the Gulf Coast," late yesterday among senators from Alabama, Florida, Louisiana, Mississippi and Texas. Landrieu hopes to deliver their signatures to Senate Majority Leader Harry Reid (D-Nev.) and Minority Leader Mitch McConnell (R-Ky.) by week's end.

Whistleblower: BP used dispersants to hide oil

Smirking, 08/04/10

Summary: Fred McCallister, a whistleblower who claims BP is using dispersants to sink oil and hide it from the pesky media's cameras, will testify before a Senate investigative panel this week. For quite some time, many bloggers and journalists following the BP-Corexit story, including me, have made the allegation that BP may have been experimenting by dumping over a million gallons of toxic dispersants into the ocean because they were desperately trying to prevent the oil from hitting the beaches.

Section IV: Other

California: Brown Puts Whitman on the Defensive over Greenhouse Gases

Time, 08/06/10

Summary: How does California attorney general Jerry Brown fight billionaire Meg Whitman in the battle to be the next governor of the Golden State? Whitman, the former CEO of eBay, spends nearly as much per day (an average of \$531,378 over the past six weeks) as Brown has spent all year — \$633,205. Yet the cagey and frugal Brown leads the free-spending billionaire in the latest poll 37% to 34%. By necessity, Brown is running a low-budget guerrilla campaign against Whitman, whose spending has now zoomed past the \$100 million mark.

Scientists find new evidence of genetically modified plants in the wild

EurekAlert.org, 08/06/10

Summary: Research is continually emerging on the impacts of invasive species, pollution and environmental disasters on ecosystems and communities. Ecological scientists will discuss widespread environmental changes—from the recent discovery of genetically modified plants in the wild to the implications of mercury found in bottlenose dolphin skin, and even exploring society's reactive mode toward environmental disasters in the U.S.—at the Ecological Society of America's 95th Annual Meeting in Pittsburgh from August 1-6, 2010. Below is a sampling of some of the research to be presented on a wide array of environmental issues:

Gulf spill echoes in Michigan river Two oil disasters a nation apart share similarities

Fort Wayne Journal Gazette, 08/06/10

Summary: In the Summer of the Spill, history is already repeating itself, this time in Michigan. An oil spill in the Kalamazoo River has set off a small-scale re-enactment of the Gulf of Mexico's drama in farm country 100 miles north of Fort Wayne. The villain is different: a broken pipeline, not a blown-out well. The oily birds are Canada geese, not pelicans. But other plot points are eerily similar: A large company with safety violations. Regulators who didn't act quickly enough. Claims centers. Containment booms.

Why our environmental laws are failing

Salt Lake Tribune, 08/06/10

Summary: Ask most people about how the environmental laws in this country get implemented, and you're likely to meet with a blank stare. No one really knows the details, but the BP spill — combined with less well-publicized leaks from the Vermont Yankee nuclear power plant — signal to most people that the system isn't working. I'm a practicing environmental lawyer, and I'll be the first to admit that our nation's environmental law framework is dense and arcane. I'll also be among those to second-guess whether it's working. I suspect that one of the biggest problems can be summed up in the words "agency deference."

DEQ Issues Emergency Order For Burning Landfill

KTUL, 08/05/10

Summary: The Oklahoma Department of Environmental Quality issued an emergency order for North Tulsa's burning landfill to stop taking garbage. Under the order, the landfill must be in compliance with all regulations including those that may have contributed to the fire. The DEQ requested extra assistance from the Environmental Protection Agency. The EPA has dispatched a plane with air quality monitoring equipment. Officials warn that, until the quality of the air is known, people suffering from asthma, bronchitis, encephalitis or other lung problems should stay indoors and away from the smoke as much as possible.

EPA's boiler proposal sparks Hill backlash

Washington Post, 08/05/10

Summary: More than 100 House Democrats and Republicans have sent a sharply-worded letter to Environmental Protection Agency administrator Lisa P. Jackson, suggesting a proposed rule to clean up industrial boilers nationwide could devastate U.S. manufacturing. The industrial boilers letter effort, led by Reps. Walt Minnick (D-Idaho) and Robert B. Aderholt (R-Ala.), represents an unusually-public rebuke of Jackson, who has pushed aggressively to enforce federal air-quality laws since taking control of the agency.

NMDOT Announces End To Cottonwood Tree Removals

KRWG 90.7, 08/05/10

Summary: Transportation Secretary Gary L.J. Gir n announced today that the Department will halt further cottonwood tree removals along Interstate 10. After discussion with governing agencies from city, county and law enforcement to improve safety and environmental issues, the Department has agreed to trim and install guardrails around existing trees along the north side of the highway as a safety measure for both the trees and motorists, remove overgrown brush and non natives, and plant 40 new Cottonwood trees in another location that will not be subjected to the state right of way.

Energy efficiency agency: Nifty idea, about as likely as snow tonight in Dallas

Dallas Morning News, 08/05/10

Summary: The thinkers at Public Citizen and Environmental Defense Fund have an idea to cut utility bills and pollution. They wrote a letter to House Speaker Joe Strauss suggesting the Legislature create an energy efficiency agency to oversee the various programs administered by a bunch of other agencies to cut energy use. A single agency could make sure the money Texas spends on efficiency is going as far as possible. Neat idea. I'm no political expert, but it just doesn't seem likely to happen.

USA's greenest cities? You might be surprised

USA Today, 08/05/10

Summary: A new scorecard picks the 22 greenest U.S. cities, several of which are well-known as eco-friendly such as Portland, San Francisco, Boulder and Seattle. Yet others might surprise you. Among the top scorers are four cities in Texas as well as Reno, Columbus, Ohio, Springfield, Ill., and Dubuque, Iowa, according to the "2010 Smarter Cities" by the Natural Resources Defense Council's online resource center, smartercities.org. The rankings are based on energy use per capita, renewable power investments, efficiency efforts and conservation incentives.

Court Says Policyholder Must Show Payment Does Not Cover Costs to Pursue Other Claim

BNA's Daily Environment, 08/05/10

Summary: Under Texas law, a policyholder may not seek reimbursement for cleanup costs from one of its insurers unless it can show that its settlements with other insurers failed to fully cover those costs, the U.S. Court of Appeals for the Fifth Circuit held July 26 (RSR Corp. v. International Insurance Co., 5th Cir., No. 09-10405, 7/26/10). While the Texas Supreme Court has not decided who has the burden of allocating prior settlement proceeds to damages in an insurance contract dispute, the appeals court predicted that the Texas court would put that burden on the settling party.

Enbridge Energy Partners to Hold Media Briefing on Enbridge Oil Spill August 5, 2010

MarketWire, 08/05/10

Summary: On behalf of the Unified Command, the Environmental Protection Agency officials, along with agencies participating in the Unified Command, will hold a media briefing regarding the Unified Command's ongoing response to the Enbridge oil spill in Michigan's Kalamazoo River. Enbridge will brief the media immediately following the government briefing in the same location and on the same conference line.

Texas uses record amount of electricity as temps surge

Ft. Worth Star-Telegram, 08/05/10

Summary: Texans consumed a record amount of electricity Wednesday, according to the operators of the state's electric grid. Usage hit 63,594 megawatts between 4 and 5 p.m., exceeding the previous record of 63,400 megawatts, recorded July 13, 2009, the Electric Reliability Council of Texas, or ERCOT, reported.

Boil order rescinded after tests show Weatherford's water safe

Weatherford Telegram, 08/05/10

Summary: The water in Weatherford is safe to drink -- without boiling it first. Shortly before noon on Thursday, officials rescinded a boil notice after test results indicated that the water was safe to consume. The Texas Commission on Environmental Quality required the city to issue a boil notice after a critical pipe failed Monday at the city's water treatment plant, shutting off water to the city for about 18 hours. Since then, the pipe has been temporarily repaired and the water is back on.

EPA Retreats from Environmental Justice Convoluted Guidance Paralyzes Decisions as Priority Pollution Efforts Ebb

CommonDreams.org, 08/05/10

Summary: Rather than directly confront environmental justice challenges, the Environmental Protection Agency has issued internal guidance that is so convoluted and vague that it will stymie effective action, according to Public Employees for Environmental Responsibility (PEER). At the same time, EPA is allowing affirmative approaches to relieving the air pollution burden on the urban poor to languish. In late July, EPA released its "Interim Guidance on Considering Environmental Justice During the Development of An Action" which proclaims that it "empowers decision-makers" to "integrate EJ [environmental justice] into the fabric of EPA's" actions.

Canadian pipeline firm makes safety concessions

AP, 08/05/10

Summary: The Canadian company that wants to build an oil pipeline from Canada to the Gulf of Mexico has dropped a proposal to run the pipeline at a higher pressure level and agreed to follow U.S. safety standards for the project. TransCanada officials said Thursday the company would withdraw its application for a special permit and operate the Keystone XL pipeline at a normal pressure level.

Konawa receives funding for water system work

NewsOK.com, 08/05/10

Summary: A wastewater improvement project in Oklahoma is one of 34 nationwide chosen to receive federal funding for water system improvements. The Konawa Public Works Authority in Konawa will receive a \$1 million loan and a \$2.99 million grant from the U.S. Department of Agriculture.

Shifting thermostats keep Austin guessing

Austin American-Statesman, 08/05/10

Summary: Businesses and institutions around Austin consistently cool their spaces to temperatures lower than one recommended by Austin Energy, according to a survey conducted by the Austin American-Statesman. Lower temperatures at barber shops, video stores, record stores, movie theaters, schools, post offices and restaurants mean higher energy consumption as Austin grapples with how to provide electricity to a growing population.

Metairie, Kenner lakefront hurricane projects to be aired at corps public meeting

NOLA Times-Picayune, 08/05/10

Summary: The Army Corps of Engineers will host a public meeting Tuesday in Metairie to discuss upcoming construction along the East Jefferson lakefront. The projects include levee enlargements, floodgate replacements, new breakwaters and new concrete T-walls in front of the Duncan, Elmwood, Suburban and Bonnabel drainage pumping stations along Lake Pontchartrain in Kenner and Metairie. The breakwaters at the Duncan and Bonnabel stations are complete, and fronting protection at the Suburban and Elmwood stations begins this month, the corps said.

Forecasters say peak of storm season will be busy

AP, 08/05/10

Summary: Government forecasters say record high temperatures in the Atlantic Ocean will keep this hurricane season on track to be the busiest since 2005. The National Oceanic and Atmospheric Administration on Thursday said 14 to 20 named tropical storms are expected to develop, with eight to 12 storms strengthening into hurricanes. Four to six of those hurricanes could become major storms with sustained winds of at least 111 mph. That's slightly fewer storms than NOAA expected in May. But lead seasonal hurricane forecaster Gerry Bell says ocean temperatures and a climate phenomenon known as La Nina favor more storm development.

18 states endure deadly stretch of steamy weather

AP, 08/05/10

Summary: This heat wave isn't just stifling — it's deadly. Extreme temperatures continued Thursday across a large swath of the country, killing more than a dozen people, at least two police dogs and likely contributing to the death of Franklin the rhinoceros at a Mississippi zoo. Arkansas fire departments were volunteering to hose down overheated cattle, and people as far north as Maine were looking for ways to stay cool.

Free vehicle exhaust check Aug. 18 at Whataburger Field

Corpus Christi Caller, 08/05/10

Summary: Area residents can help clean South Texas' air by having their vehicle's exhaust emissions checked from 10 a.m. to 2 p.m. Wednesday at the Whataburger Field parking lot. It's the 13th year the Port of Corpus Christi, Texas Department of Transportation and Pollution Prevention Partnership have hosted the free auto check. Technicians will test exhaust emissions, check gas caps for leaks and measure tire pressure. If testing shows a vehicle is a polluter, the owner may qualify for a voucher for free repairs. The program is funded by the Texas Commission for Environmental Quality. It was developed to improve air quality in the Coastal Bend and to maintain national ambient air quality standards.

Water rates set to rise around county

UltimateConroe.com, 08/05/10

Summary: Beginning Aug. 1, many residents and businesses in Montgomery County will begin to see water rates rise to help pay for an alternative water supply from Lake Conroe. "The typical water bill is about \$2 to \$5 per 1,000 gallons," said Jace Houston, deputy general manager at the San Jacinto River Authority. "The new fees will mean about a 10 to 25 percent increase in bills. " The San Jacinto River Authority is managing a plan to supplement the county's dwindling underground water supply by getting water from Lake Conroe.

Spill-Bill Delay Spurs Lobbyists Into Action

Wall Street Journal, 08/05/10

Summary: Energy and environmental lobbyists will jump back into action in coming weeks as they attempt once again to shape the contents of an oil-spill bill in the Senate. After Senate Democrats decided to postpone a vote on a spill bill, saying they would revive the issue when lawmakers returned from a summer recess in September, stakeholders now say they will redouble their efforts to change the legislation.

U.S. Takes Lead in Regulating Greenhouse Gas Emissions

NewsWithViews.com, 08/05/10

Summary: On June 10, 2010, in a historic U.S. Senate vote, fifty three Senators (53-47), upheld the right of the EPA to regulate and reduce all greenhouse gas emissions. This vote also upheld a recent decision by the U.S. Supreme Court on April 2, 2007, which allowed the EPA to regulate and reduce all greenhouse gases (1). This vote, supported by the Obama administration, sets an example for the entire world to follow and demonstrates that the United States will be leading the world in regulating and reducing greenhouse gases, this year, unless this vote is undermined by the passage of a new senate climate/energy bill.


Farming Bugs Could Reduce Greenhouse Gases from Agriculture, according to UN Paper

EatDrinkBetter.com, 08/05/10

Summary: If there existed a local food that was high in protein, calcium and other vitamins, that would help reduce greenhouse gases from agriculture, and was available in thousands of different flavors, it would seem too good to be true...and it is, because the food that fits this bill is bugs. The United Nations has been on a search for meat alternatives since recommending cutting back on meat as a way to reduce global warming. A policy paper on bug farming as an alternative, which was authored by entomologist and insect-eating enthusiast Professor Arnold van Huis, is being formally considered by the UN.

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Arguments against hydraulic fracturing unfounded

BY BOB ANTHONY  0
Published: August 6, 2010

Many people are aware of the debate surrounding hydraulic fracturing and the accompanying claims of pending environmental disaster from those who want it stopped or placed under strict federal regulation.

In more than 20 years as a corporation commissioner, I've never seen anything that approaches this current unfounded and growing national hysteria.

Simply put, hydraulic fracturing (HF) is an essential oil and gas production technique used for reservoir stimulation. Ironically, given the opposition in the name of the environment, HF is also used for environmentally friendly applications such as geologic storage of carbon, developing water wells and "green" geothermal energy and even cleaning up Superfund sites.

Opponents portray hydraulic fracturing as some horrible practice that endangers our water supplies, polluting them with cancer-causing chemicals.

In fact, 99 percent of the materials injected are water and sand.

Other HF ingredients are no stronger than chemicals found around the house.

Furthermore, the fracturing process takes place thousands of feet below treatable (meaning potentially drinkable) groundwater, with layers of rock in between.

We've used HF for some 60 years in Oklahoma, and we have no confirmed cases where it is responsible for drinking water contamination — nor do any of the other natural gas-producing states.

Thanks to HF we have the ability to extract hydrocarbons from shale formations, and America now has a 100-year supply of natural gas, the cleanest burning of all fossil fuels.

This supply can and must play a key role in reducing our dependence on foreign energy, from transportation fuels to electric generation. As we expand our wind and solar power capacity, natural gas-fired electric generation is the only practical way of providing necessary supplementary power when needed.

Much of the debate is being orchestrated by those who seek to remove all fossil fuels from the American economy or those who want to make natural gas less competitive

with other energy sources. However, don't be fooled.

Even though the rhetoric focuses on environmental issues, this is a fight about money. America is making multibillion-dollar infrastructure decisions about powering our economy. Without hydraulic fracturing, Oklahoma's oil and natural gas production would plummet, as would our economy. Our state is the nation's third-largest producer of natural gas and its fifth-largest land-based oil producer.

Maintaining regulation of oil and gas at the state level is essential. Doing the job properly requires knowledge of the unique geology and hydrology of formations. At the Oklahoma Corporation Commission, our oil and gas field inspectors and technical staff live, work and raise their families here.

We are committed to protecting our state resources and do not believe in a "one-size-fits-all" federal approach as advocated by some.

Many know at least part of the story of Chicken Little, who proclaimed, "The sky is falling!" Many don't know how the story ends. It ends badly for those not willing to find out the facts for themselves.

Anthony is chairman of the Oklahoma Corporation Commission.

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5. CLIMATE: GOP foes of emissions policies play up GAO report

(08/05/2010)

Robin Bravender, E&E reporter

Top House Republicans say a government watchdog report showing flaws with international emission data ought to keep the United States from rushing to curb domestic greenhouse gases.

Rep. Joe Barton (R-Texas), the ranking member of the Energy and Commerce Committee, and other key Republicans released a Government Accountability Office [report](#) yesterday showing that emission inventories from developing countries like Brazil, China, India and others were dated and of lower quality than those from developed countries including the United States.

"The lack of comparable, high quality inventories" from the developing nations is important, the report says, "because they are the largest and fastest growing source of emissions ... and information about their emissions is important to efforts to address climate change."

International global warming agreements require "comparable, reliable measures of greenhouse gases," Barton said. "What the GAO has found, however, is that some nations have not produced high-quality emissions inventories."

Rep. Michael Burgess (R-Texas) said the report "reiterates why the U.S. should not rush to enact energy policies that would disadvantage our own economy before having firm commitments from other nations as to their own emissions plans.

"Until we have firm commitments from the other major developing nations that they will get serious about curbing their own emissions, our country's leaders must keep the best interests of Americans in mind, knowing that involvement by other countries is, at best, only wishful thinking at the moment," he added.

GAO recommends in the report that the secretary of the State Department work with parties to the U.N. Framework Convention on Climate Change to encourage developing countries to improve their inventories and strengthen the inventory review process.

In comments submitted to GAO, the State Department agreed with the agency's findings. The department pledged to continue to encourage developing nations -- especially the major-emitting economies -- to submit regular, comprehensive emission inventories as agreed to at the U.N. climate summit in Copenhagen, Denmark, last year.

[Click here](#) to read the report.

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Climate Change

Texas Sues EPA Over Tailoring Rule

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3. **REGULATION: EPA faces a showdown with Texas over pending climate rules** (08/05/2010)

Dina Fine Maron, E&E reporter

Texas pushed back against U.S. EPA's authority to regulate greenhouse gas emissions this week and bluntly stated it does not intend to take any steps to comply with the agency's policies on the matter. In a sharply worded letter the state said it refuses to fulfill "EPA's demand for a loyalty oath" on its regulations.

"On behalf of the State of Texas, we write to inform you that Texas has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions," Texas Attorney General Greg Abbott (R) and Texas Commission on Environmental Quality Chairman Bryan Shaw wrote in a joint letter to EPA Administrator Lisa Jackson.

While a handful of other states have challenged EPA's foundational authority to regulate greenhouse gas emissions or its specific authority under the agency's "tailoring" rule to regulate emissions from stationary sources, no other state has challenged EPA on whether the agency can regulate the state's greenhouse gas emissions if state regulators fail to do so. Until now.

The agency is poised to begin regulating a suite of greenhouse gases next January from large emitters like coal-fired power plants and cement factories, and requested states inform it by this week if they would need to tweak state laws or regulations in order to be prepared for the EPA requirements.

Texas said in its letter it takes particular issue with the tailoring rule, which it views as illegal. The rule, which is an effort by the agency to rein in a large swath of emissions but stick to what EPA air chief Gina McCarthy has called a "manageable" and "common-sense" approach to regulating the pollutants is problematic, Texas contends.

"Instead of acknowledging that congressionally set emission limits preclude the regulation of greenhouse gases, you instead re-write those statutorily-established limits," the letter reads.

'A line in the sand'

"Texas is clearly drawing a line in the sand," said Bill Becker, the executive director of the National Association of Clean Air Agencies. But, no other state appears to have any plans to follow in Texas' footsteps and state outright it will not attempt to meet the January deadline, he said.

"The most interesting piece of this discussion is even where state governors opposed EPA on regulating greenhouse gas emissions under the Clean Air Act, those states are still moving forward in a good-faith effort to comply in time, or as close to on time as possible," he said.

Texas, however, has clashed with EPA due to the agency's rejection of more than 100 of the Lone Star State's air pollution permits for emissions-intensive industries. "That overflow from the disapproval may have tainted its response," and made for a "unique" relationship with EPA, said Jason Hutt, a partner with Bracewell & Giuliani.

Ron Gore, the chief of the air quality division at the Alabama's Department of Environmental Management said that while "the Texas letter was exactly right," his state, despite its lawsuit against EPA, is still planning to take steps to prepare for January.

"In order to make certain that all permitting happens at the state level rather than the federal level, we are going to change our rules or we're trying to do so," Gore said.

Similarly Maya Rao, chief of the air division at the Mississippi Department of Environmental Quality referenced her

own state's challenge to EPA's plans and said, "We do not know yet how the state's lawsuit is going to work out so what we are doing right now is planning on amending our rules so that we can incorporate EPA's rules."

EPA declined to comment on how or if it will move to regulate the state's greenhouse gas emissions itself in light of the letter, though it sent a proposal to the White House regulatory review office last month detailing plans to ensure it authority to replace state programs with federal ones if the states do not meet federal requirements by the stated deadlines ([E&ENews PM](#), July 9).

The possibility of an injunction

Al Armendariz, EPA's Dallas-based regional administrator said of the letter, "We are not at liberty to ignore the law, and the letter's unsubstantiated claims are the same sort that have been made -- and ultimately proven wrong -- every time EPA has, over the past 40 years, moved to implement the Clean Air Act's protections of public health and welfare,"

Last week EPA threw out 10 petitions challenging its endangerment finding, issuing alongside its refusal notice a weighty document explaining what it believes to be the legal merits for its ability to regulate greenhouse gases in general.

Those arguments likely put EPA on solid ground as far as the endangerment finding challenges, according to Michael Gerrard, director of the Center for Climate Change Law at Columbia Law School. "EPA's massive documentation upon reconsideration of the endangerment finding I think creates a formidable hurdle for anyone seeking to overturn it."

The tailoring rule, however, is at greater risk said Hutt. "I think that the tailoring rule challenges have a better chance of success prior to January 2011," he said. That ruling is "really sort of cobbling together some prior judicial doctrines that would create a supporting rationale for the decision," he said.

Environmental groups worry that an appeals court could extend time to examine some of these challenges by granting an injunction that would prevent EPA from moving ahead with its regulations in January. If such an injunction does not materialize from the thicket of lawsuits it faces, the agency may still not find clear sailing for its regulatory power.

At the congressional level, Sen. Jay Rockefeller (D-W.Va.) is also seeking to challenge EPA's plans to regulate greenhouse gases with a law that would handcuff EPA's ability to regulate those pollutants for two years. He said he reached an agreement with Majority Leader Harry Reid (Nev.) earlier this week that will allow him to try to add such a provision to an energy bill that will be discussed in September ([E&ENews PM](#) Aug. 3).

If such a measure were implemented it would be catastrophic, according to environmentalists who are concerned that it would completely remove any pressure in Congress to move forward with a comprehensive climate bill and that such legislation would potentially be extended indefinitely. But the White House has indicated any such measure would be vetoed if it came to President Obama's desk.

Meanwhile Sens. Tom Carper (D-Del.) and Bob Casey (D-Pa.) have also been in talks about introducing an effort to essentially codify EPA's tailoring rule to exempt small sources from EPA climate rules and move forward regulating the largest polluters if the Rockefeller provision moved forward.

Legislation like Carper's would be a "sensible idea," said Frank O'Donnell, president of Clean Air Watch. It would have the benefit for Congress of "saying yes we finally did something on climate."

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3. **CLIMATE:** Texas defies EPA on regulation of greenhouse gases

(08/04/2010)

Robin Bravender, E&E reporter

Texas officials warned U.S. EPA this week they won't change or reinterpret their air pollution laws to comply with federal greenhouse gas regulations, arguing that the Obama administration's climate rules are illegal.

EPA plans to begin regulating stationary sources of greenhouse gases next January and asked states to inform the agency by this week whether they would need to change state laws or regulations to comply with federal policies.

But Texas Commission on Environmental Quality Chairman Bryan Shaw and Texas Attorney General Greg Abbott (R) blasted EPA for unlawfully attempting to force states to "pledge allegiance to its rules." The dispute marks the latest in a series of altercations between the Obama EPA and Texas as federal officials have moved to overhaul the state's air permitting program.

"In order to deter challenges to your plan for centralized control of industrial development through the issuance of permits for greenhouse gases, you have called upon each state to declare its allegiance to the Environmental Protection Agency's recently enacted greenhouse gas regulations -- regulations that are plainly contrary to United States law," the officials wrote in a [letter](#) sent Monday to EPA Administrator Lisa Jackson and EPA's Dallas-based Region 6 Administrator Al Armendariz.

"On behalf of the state of Texas, we write to inform you that Texas has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions," the Texas officials say.

Specifically, the officials are taking issue with EPA's "tailoring" rule for greenhouse gases. The tailoring rule seeks to substantially raise the Clean Air Act's permitting thresholds for greenhouse gases from the current limits of 100 or 250 tons per year. Without the rule, even small facilities would be required to obtain greenhouse gas permits when the agency officially begins to regulate tailpipes' greenhouse gas emissions in January.

"Instead of acknowledging that congressionally set emission limits preclude the regulation of greenhouse gases, you instead re-write those statutorily-established limits," the letter says.

EPA air chief Gina McCarthy told *Greenwire* in June that the final tailoring rule was written to allow states to avoid regulating except in the narrow way her agency intended ([Greenwire](#), June 2).

"We wrote it after talking to the states and realizing that some of the rulemaking uses the same exact language, and if we interpreted that language at the federal level to mean that you don't need to regulate, except the way in which the tailoring rule has designed it, that you can simply decide when to use our interpretation and move forward," she said. "And we know that many of the states are perfectly comfortable doing that."

For states that can't or won't immediately comply with the rules, EPA is planning to use its authority to bring them into compliance with federal rules. The agency sent a proposal to the White House regulatory review office last month that seeks to guarantee authority for federal implementation plans, or FIPs, that could replace state programs if the states do not comply with federal requirements by the deadlines ([E&ENews PM](#), July 9).

"We'll work with the states to see what needs to be done both in regulation and in the law, so that we can make sure we're aligned on this," McCarthy said in June.

'Shootout at the O.K. Corral'

Bill Becker, the executive director of the National Association of Clean Air Agencies, said Texas is in the minority when it comes to compliance with EPA's climate rules.

"Texas is the only one I've heard who have said, 'Over my dead body,' but most others are trying to make this work," Becker said.

"The vast majority of states will be successful in having regulations ready to go by January 2, 2011," Becker said.

8/5/2010

Climate: Texas defies EPA on regulatio...

"There will be some, maybe 20 percent or so, who won't make it, but not for lack of trying. They won't make it because either their legislature and/or regulatory bodies have processes in place that are protracted and difficult to achieve quick decisions, but they're working toward making this program operate."

For states that do not align with the federal program, EPA could issue FIPs to curb emissions or issue sanctions including the withholding of federal highway funding.

The battle between Texas and EPA "is going to be a shootout at the O.K. Corral," Becker said. But he said EPA won't give up without a fight.

"I think that EPA is very serious about taking this forward," he said.

[Click here](#) to read the Texas letter.

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20. AIR POLLUTION: BP faces lawsuit over Texas refinery leak (08/04/2010)

A lawsuit was filed against BP PLC's Texas City refinery yesterday, alleging that benzene leaks at the facility between April and May endangered workers and caused health problems.

The suit was filed in the federal court in Galveston, Texas, on behalf of 10 named plaintiffs and 2,200 unnamed ones. It said that the alleged negligence by BP had reduced property values and exposed workers and residents to toxic chemicals. The suit seeks punitive damages of more than \$10 billion and an end to the pollution.

BP said the suit was not valid and it would not pay any claims. Some residents are mistakenly thinking that the \$20 billion fund the company has set aside for the Gulf of Mexico spill can be extended to cover other alleged pollution incidents, it said.

The Texas Commission on Environmental Quality found last month that BP Products North America had leaked 538,000 pounds of chemicals into the air, including 17,000 pounds of carcinogenic benzene.

The lawsuit says that BP should have shut down production until a key piece of equipment was repaired instead of continuing with operation. The suit is represented by Anthony Buzbee, a lawyer who has filed thousands of cases against BP (Monica Hatcher, [Houston Chronicle](#), Aug. 3). -- **GV**

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Final plug nears after crews cement oil well's top

By JASON DEAREN and GREG BLUESTEIN (AP) – 50 minutes ago

ON THE GULF OF MEXICO — Crews moved closer to a final seal on BP's blown-out oil well in the Gulf of Mexico after pumping fresh cement into the top of the well to hold down mud that is stopping the seafloor gusher.

Engineers poured in cement Thursday to complete a plug at the top of the wellbore, called a static kill, and planned to wait at least a day for it to harden. Once that's done, crews can work on injecting more mud and cement into the bottom of well from deep underground to form a final and lasting plug.

That static kill procedure started Tuesday with engineers pumping enough mud down the top of the well to push the crude back to its underground source for the first time since an oil rig exploded 50 miles off the Louisiana coast on April 20, killing 11 workers and triggering the massive spill.

But more than three month's after BP's blowout, much of the crude still in the Gulf and coastal areas has permeated deep into marshes and wetlands, complicating cleanup.

Crews are still finding plenty of crude in those interior areas, even as government officials say spotting oil from the air on the Gulf's surface is taking longer on each trip.

"The good news is people are seeing less oil, but the bad news is the oil trapped in the marshes is moving out with the tides and sticking on the marsh cane," said Maura Wood, an oceanographer with the National Wildlife Foundation, on a boat trip to the marshes of Pass-A-Loutre, La. "And that could kill it."

The sometimes frustrating search for oil underscores the difficulties facing the small army of federal officials and cleanup crews tasked with purging what remains. Rear Adm. Paul Zukunft, the government's on-scene coordinator, said he's had to spend a growing amount of his time taking flights over the Gulf to search for the remaining crude.

"There is very little observable oil out there," he said, saying that Coast Guard responders are not seeing much on the surface. But he added: "We can't turn a blind eye ... If we don't see oil, I'm not assuming it doesn't exist."

After the cement in the oil well dries, the last step begins: Finishing the drilling of the last 100 feet of the relief well, which government officials said will be used to seal the underground reservoir from the bottom with mud and cement.

"This is not the end, but it will virtually assure us that there will be no chance of oil leaking into the environment," retired Coast Guard Adm. Thad Allen, who oversees the spill response for the government, said in Washington.

The progress was another bright spot as the tide appeared to be turning in the monthslong battle to contain the oil, with a federal report this week indicating that only about a quarter of the spilled crude remains in the Gulf and is degrading quickly.

Despite the progress on the static kill, BP PLC executives and federal officials won't declare the threat dashed until they use the relief well — though lately they haven't been able to publicly agree on its role.

Federal officials including Allen have insisted that crews will shove mud and cement through the 18,000-foot relief well, which should be completed within weeks. Crews can't be sure the area between the inner piping and outer casing has been plugged until the relief well is complete, he said.

But for reasons unclear, BP officials have in recent days refused to commit to pumping cement down the relief well, saying only that it will be used in some fashion. BP officials have not elaborated on other options, but those could include using the well simply to test whether the reservoir is plugged.

The vast oil reservoir beneath the well could still be worth billions of dollars even after it spewed crude into the Gulf of Mexico for more than three months, but BP isn't saying whether it plans to cash in on this potential windfall.

BP insisted Thursday it had no plans to use it or its two relief wells to produce oil. But the company won't comment on the possibility of drilling in the same block of sea floor someday or selling the rights to the entire tract to another oil company.

Whether the well is considered sealed yet or not, there's still oil in the Gulf or on its shores — nearly 53 million gallons of it, according to the report released Wednesday by the Interior Department and the National Oceanic and Atmospheric Administration.

That's still nearly five times the size of the Exxon Valdez spill, which wreaked environmental havoc in Alaska in 1989.

But almost three-quarters of the nearly 207 million gallons of oil that leaked overall has been collected at the well by a temporary containment cap, been cleaned up or chemically dispersed,

AP Associated Press

Photo 1 of 17



A bulldozer hauling oiled sand drives past workers as they search for signs of oil on a beach in Grand Isle, La., Thursday, Aug. 5, 2010. (AP Photo/Patrick Semansky)

or naturally deteriorated, evaporated or dissolved, the report said.

Some residents are worried that now that the well has flatlined, the nation's attention will shift from the coast.

"I'm losing trust in the whole system," said Willie Davis, a 41-year-old harbormaster in Pass Christian, Miss. "If they don't get up off their behinds and do something now, it's gonna be years before we're back whole again."

In Pass-A-Loutre, where oil still clung stubbornly to marsh cane, each day's high tide picks up the goo and leaks it back into the ocean. But Jeremy Ingram, the Coast Guard official who oversees cleanup crews here, said it's cleaner than it was when he arrived 60 days ago. Back then, he said, he couldn't even see water through the thick ooze.

"I'd say it's a lot less than what was here, but if you see on the canes it's still heavily saturated with oil. So the job's not done yet, there's still a lot more work to get done," he said. "As the tide comes up and washes oil off that cane, somebody and some thing has to be here to catch it."

Bluestein reported from New Orleans. Contributing to this report were Associated Press writers Jennifer Kay in Pensacola Beach, Fla., Brian Skoloff in Pass Christian, Miss., Harry R. Weber and Jeff McMillan in New Orleans and Jay Reeves in Birmingham, Ala.

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Children deal with Gulf oil spill stress too



By JEFFREY COLLINS, Associated Press Writer

2 hrs 50 mins ago

GALLIANO, La. – Nine-year-old Zack Wilkerson spent a good chunk of his summer on the computer watching video of undersea robots try to fix the oil spill in the Gulf of Mexico.

It wasn't his first choice, but the oil that spewed into the Gulf about 100 miles from his Galliano, La., home kept him from going fishing with his dad or to the beach with his family. As he prepares to start fifth grade on Friday, he wonders if some of his friends will be gone, their parents leaving the small towns on Bayou Lafourche because the fishing and tourism jobs are gone.

Mental health professionals are concerned about the toll this summer of uncertainty could be taking on kids like Zack and his friends.

Parents who have seen work slow down or stop are being forced to cut family budgets. Those lucky enough to find temporary work helping clean up the oil spill now face the prospect of those paychecks ending. And mothers and fathers who hoped to pass down traditions linked to the waters their grandfathers and great-grandfathers trod wonder if that way of life has been spoiled forever by millions of gallons of crude.

"I keep hearing about it," Zack said of the oil spill and the daily updates he gets from his dad. "Sometimes I wonder if it will ever end."

A survey of 1,203 parents commissioned last month by the Children's Health Fund found a third of children along the most impacted area of the Gulf Coast in Louisiana and Mississippi have experienced physical or mental problems because of the spill set off by the April 20 explosion of an offshore drilling rig. Their parents reported they are having behavioral problems, acting depressed or nervous, and having trouble sleeping and getting along with other children.

About a quarter of households fear they might have to move to make ends meet, and the same number also reported a drop in income, according to the survey conducted for the New York-based fund by the National Center for Disaster Preparedness at Mailman School of Public

Health at Columbia University.

The group first came to the Gulf nearly five years ago to see how Hurricane Katrina affected children. A study soon to be released found deep psychological problems persisting after the storm devastated the region. Then came the oil spill, adding more stress for many of those same children, said Dr. Irwin Redlener, president of the fund, which provides health care for low-income children.

"It's actually round two of psychological trauma for these communities, who also in the back of their minds are already worried about hurricanes this season," said Redlener, who plans to bring doctors to the Gulf in the next few weeks to provide physical and mental care for the children who are suffering nightmares or other stress, or who have rashes, breathing problems or other physical effects from the spill.

The survey's findings were no surprise to Zack's mom. While Pat Wilkerson has kept her job as a security guard at Port Fourchon, the gateway to the oil rigs in the Gulf, and her husband is a contractor for BP, they have both had friends who have lost jobs.

"You wait every day for the boom to drop, the ax to fall, and one of us to lose our jobs," Wilkerson said. "They have to know we're stressed."

Summers used to be filled with trips to the beach less than an hour away at Grand Isle, but the oil has kept the Wilkersons — and many others — from the sand and surf. The Children's Health Fund survey found nearly 85 percent of parents along the Gulf have stayed away from the water because of the spill.

The oil also has kept the Wilkersons from fishing, and that, too, has put a strain on their finances.

"That seafood would help stretch our food budget. But we don't have anything left in the freezer," said Wilkerson, as she waited with her son and 5-year-old daughter to pick up free school supplies being given out this week at Galliano Elementary School by Louisiana first lady Supriya Jindal.

Austin Verdin was waiting for supplies, too, and shyly smiled as Jindal handed him his backpack full of notebooks, folders and pencils. But he hasn't had a lot of other reasons to be happy about the summer between fourth and fifth grades.

Austin's dad, Michael, was working as a fisherman. When the waters closed because of the oil spill, he fell back on his commercial driver's license and took a job with a trucking firm, according to his wife, Elana Verdin.

He would much rather be on the water.

"We love the water. He was raised on it," Verdin said. "He loved going out there and spending time with his dad. You wonder if that kind of thing is gone now."

Fishing isn't the only industry where the future is uncertain. Michael Melancon, a senior biology teacher at South Lafourche High School, said the rig explosion that killed 11 workers and an offshore drilling moratorium that followed have some of his students rethinking career paths that might have otherwise led out to the giant oil rigs in the Gulf.

"They would ask, 'Is there going to be a job for me?' They are trying to figure out if they should stick around or go somewhere else," he said.

Melancon, whose district was cash-strapped even before the explosion, has his own worries about whether his job is secure. He was standing at the school supply giveaway in the Galliano school gym with his 8-year-old son and 10-year-old daughter, waiting in a long line that snaked around a basketball court with the finish peeling in numerous places. About two-thirds of the school's 430 students showed up.

Jindal, the mother of three young children herself, said she wanted to give them something to look forward to after a summer of worry.

"My children have all kinds of questions about the oil spill," Jindal said. "I can only imagine what these parents are having to explain."

Scientists give Gulf of Mexico a 'C' before spill

By The Associated Press

13 mins ago

The Gulf of Mexico was not a pristine place even before the BP oil spill. Scientists asked to grade its health pre-spill gave it a "C" and graded its fish and wetlands a "D."

The Associated Press sought these baseline assessments from 75 scientists as part of a series that will follow the recovery of the Gulf. Scientists only offered grades in their areas of expertise and an average was calculated for each category.

These are the pre-spill baseline averages on a scale of 0 to 100 — from dead to pristine. The "overall" category grades are not averages of the subgroups beneath them.

Overall health: 71

Wetlands: 65

Water quality: 69

Sea floor: 68

Food Web: 70.5

Marine mammals overall: 72

-Whales: 69

-Dolphins: 75

-Manatees: 54

Fish overall: 67

-Red snapper: 60

-Menhaden: 67

-King mackerel: 65

Birds overall: 76

-Brown pelican 77

-Clapper rail 68

-Terns 72

Crustaceans and mollusks overall: 71

-Shrimp: 72

-Crab: 68

-Oysters: 64

Beaches overall: 74

Texas: 70

Louisiana: 63

Mississippi: 72

Alabama: 75

Florida: 80

Other Gulf life overall: 72

Coral: 64

Sea Turtles: 57

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Crews await drying of cement in Gulf oil well

Workers likely to resume drilling relief well 24 to 36 hours after 'static kill'

msnbc.com news services

updated 2 hours 28 minutes ago

ON THE GULF OF MEXICO — Crews working to seal the blown-out Macondo oil well in the Gulf of Mexico were waiting Friday for fresh cement that was pumped in to dry in one of the final steps of the so-called "static kill."

Engineers pumped the cement down the throat of the well Thursday and planned to wait at least a day for it to dry. The daylong cementing operation followed earlier injections of heavy drilling mud this week that had subdued the upward pressure of oil and gas inside the deep-sea well.

Last month, crews capped the crippled wellhead, which had been gushing oil into the Gulf of Mexico after the rig above exploded 50 miles off the Louisiana coast on April 20, killing 11 workers.

"This is not the end, but it will virtually assure us that no oil will be leaking into the environment," retired Coast Guard Admiral Thad Allen, who oversees the U.S. oil spill

response operation, said at a Thursday briefing in Washington.

Allen said BP, which is monitoring the well for confirmation of the procedure's effectiveness, would likely resume drilling the relief well 24 to 36 hours after the cementing was done, with the initial intercept with the original well expected within five to seven days after that.

The "static kill" at the top of the well is due to be finished off with a "bottom kill" later in August with more mud and cement injected through a relief bore being drilled into the ruptured well shaft. This relief well is regarded as the final step in plugging the reservoir 13,000 feet beneath the seabed.

"I will declare this well dead once we've

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intercepted the annulus [the space between the well pipe and surrounding rock] and we've assessed how much mud or cement we need to do from the bottom to finally kill this well," Allen said.

The fate of the relief well

BP officials have in recent days refused to commit to pumping cement down the relief well, saying only that it will be used in some fashion. BP officials have not elaborated on other options, but those could include using the well simply to test whether the reservoir is plugged.

The vast oil reservoir beneath the well could still be worth billions of dollars even after it spewed crude into the Gulf of Mexico for more than three months, but BP isn't saying whether it plans to exploit the remaining oil.

BP insisted Thursday it had no plans to use it or its two relief wells to produce oil. But the company won't comment on the possibility of drilling in the same block of sea floor someday or selling the rights to the entire tract to another oil company.

Complicated cleanup

However, the well-sealing progress was another bright spot as the tide appeared to be turning in the monthslong battle to contain the oil, with a federal report this week indicating that only about a quarter of the spilled crude remains in the Gulf and is degrading quickly.

But, whether the well is considered sealed yet or not, there's still oil in the Gulf or on its

shores — nearly 53 million gallons of it, according to the report released Wednesday by the Interior Department and the National Oceanic and Atmospheric Administration.

That's still nearly five times the size of the Exxon Valdez spill, which wreaked environmental havoc in Alaska in 1989.

However, almost three-quarters of the nearly 207 million gallons of oil that leaked overall has been collected at the well by a temporary containment cap, been cleaned up or chemically dispersed, or naturally deteriorated, evaporated or dissolved, the report said.

Much of the crude still in the Gulf and coastal areas has permeated deep into marshes and wetlands, complicating the cleanup.

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Crews are still finding plenty of crude in those interior areas, even as government officials said spotting oil from the air on the Gulf's surface is taking longer on each trip.

"The good news is people are seeing less oil, but the bad news is the oil trapped in the marshes is moving out with the tides and sticking on the marsh cane," said Maura Wood, an oceanographer with the National Wildlife Foundation, on a boat trip to the marshes of Pass-A-Loutre, Louisiana. "And that could kill it."

The sometimes frustrating search for oil underscores the difficulties facing the small army of federal officials and cleanup crews tasked with purging what remains. Rear Adm. Paul Zukunft, the government's on-scene coordinator, said he's had to spend a growing amount of his time taking flights over the Gulf to search for the remaining crude.

"There is very little observable oil out there," he said, saying that Coast Guard responders are not seeing much on the surface. But he added: "We can't turn a blind eye ... If we don't see oil, I'm not assuming it doesn't exist."

'Losing trust in the whole system'

Some residents are worried that now that the well has flatlined, the nation's attention will shift from the coast.

"I'm losing trust in the whole system," said Willie Davis, a 41-year-old harbormaster in Pass Christian, Miss. "If they don't get up off their behinds and do something now, it's

gonna be years before we're back whole again."

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The Associated Press and Reuters contributed to this report.

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October 15

August 5, 2010

BP Done Pumping Cement Into Well

By **CLIFFORD KRAUSS**

HOUSTON — For more than three months, an oil-weary nation has waited for the moment when engineers would begin pumping cement into BP's runaway well, in hopes of plugging its flow for good.

That moment arrived quietly on Thursday, with cement following the tons of mud already poured into the well in the operation called a [static kill](#). Because no significant amount of oil has leaked since the well was tightly capped on July 15, the start of the cementing was almost anticlimactic. BP did not even hold its regular daily briefing, saying that Kent Wells, the senior vice president who usually explains the technical details to reporters, was traveling. When the cement operation was completed in the afternoon, the company put out a brief announcement.

Television newscasts, for months fixated on the spectacle of oil gushing from the broken riser pipe on live underwater video, barely covered the transition.

[Thad W. Allen](#), the retired Coast Guard admiral who heads the federal spill response effort, told reporters at the government's midday briefing that once the cement job was completed, "We can all breathe a little easier." He added, "This is not the end, but it will virtually assure us there will be no chance of oil leaking into the environment."

By applying cement to the well from a surface vessel, technicians can plug most, if not all, of the drill pipe and oil reservoir below.

Although the static kill is likely to seal the volatile well permanently, final victory will not be declared until a relief well is completed and it intercepts the well in the middle to later part of August, according to both Admiral Allen and senior BP executives.

The first of two relief wells is still 100 feet from intersecting the Macondo well. It will take five to seven days to complete once the cement applied during the static kill dries by the weekend's end. A second relief well is being drilled in case the first misses the mark.

Since blowing out on April 20, killing 11 workers aboard the Deepwater Horizon platform, the well has spewed nearly five million barrels of crude oil into the Gulf of Mexico. The tight-fitting capping device that stopped the leak three weeks ago was considered a temporary solution.

Because the static kill is not guaranteed to pour cement through the annulus, the portion of the drill pipe between the inner piping and the outer casing, leakage may still remain after the kill, according to officials. But the 18,000-foot relief well can penetrate the entire pipe, after which technicians can test to see how much more cement is needed to kill the well completely.

Technicians working on the static kill said that they could not guarantee that the well was now fully plugged. They said they had not been able to determine whether any oil and gas remained trapped in the casing, drill pipe or annular areas that might have been bypassed by the injection of mud and cement.

"It's almost like a mystery you are trying to unravel," Admiral Allen said. "The question is: what is the path of the cement to the bottom?"

Admiral Allen said the mystery would be solved conclusively only by the relief well, and by a final pumping of mud and cement into any areas not reached by the static kill.

But Greg McCormack, program director of the Petroleum Extension Service at the [University of Texas](#) Austin, said, that the fact that the cementing was finished so quickly "means they had a good cement job, which means that they probably cemented all the way down to the bottom in the production casing and reached the reservoir."

He added, "If there aren't any leaks anywhere else, that means this well is done."

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CAREY
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August 5, 2010

Mexican Guest Workers, Laid Off, Want BP's Help

By **TAMAR LEWIN**

NEW ORLEANS — Soon after the [oil](#) from the Deepwater Horizon began gushing into the Gulf of Mexico, business at the Ramada Plaza Beach Resort in Fort Walton Beach, Fla., dried up — and so did the jobs of five Mexican housekeepers who were guest workers at the hotel under contracts guaranteeing them work until Nov. 1.

“On June 30, they told us our jobs were over, and that we had to leave our housing and go back to Mexico,” Salvador Luna Espinoza, one of the housekeepers, said in a telephone interview conducted with a translator. “I’m staying with friends now, but I don’t know how long they’ll put up with me.”

While thousands have lost their jobs as a result of the oil spill, the layoffs present special hardships for guest workers, mostly hotel workers and those working in shellfish processing.

Under their H-2B visas, they are allowed to work only for the employer who arranged their visa, and they must leave the United States within 10 days of losing their job.

Most took on debt of \$1,000 or more to pay for the trip to the United States, planning to pay it back with their earnings.

Mr. Luna Espinoza, who has a wife and five children at home in El Tizate, Mexico, said that without the \$7.75-an-hour hotel job, he had no hope of repaying his debt — and unless he could do so, no one would back him in arranging another visa or another job.

So he is still in the United States, awaiting compensation.

“What they face is basically a guillotine the moment they’re laid off,” said Saket Soni, executive director of the [Alliance of Guestworkers for Dignity](#), a grass-roots New Orleans organization that is helping the laid-off housekeepers, and other guest workers laid off from a Baton Rouge seafood processor, file claims with BP. “We would like to see them treated not as disposable

workers, but as people who deserve relief in a disaster.”

In theory, guest workers have the same rights to compensation from BP as anyone else who lost income due to the oil spill. But as a practical matter, getting that compensation is far more difficult for workers from another country, who speak little English and may not understand the claims process or have the documentation from employers to file a claim.

With the help of Mr. Soni’s alliance, Mr. Luna Espinoza filed a BP claim for lost wages of \$5,498.63, backed up by a letter from Ramada saying that his layoff was due to the oil spill. He has not yet received compensation, though. On July 9, the alliance filed a petition with the Labor Department, asking that it issue a formal policy directing those in the spill zone who employ guest workers to pay all the wages due under the contract, as well as the guest workers’ fare home.

“It shouldn’t be on the guest workers’ shoulders to bear the costs of the spill,” Mr. Soni said. “The employers are in a much better position to get BP to reimburse them.”

Indeed, guest workers are in a tenuous position, usually living in labor camps or other housing run by their employers, with little connection to the surrounding community, and little understanding of their legal rights. Many fear retaliation from employers or [immigration](#) authorities if they make complaints. And when their jobs end suddenly, many have no idea where to turn, and, like Mr. Luna Espinoza, drift off to stay with someone from their home country.

The alliance petition said many guest workers would no longer be in the United States when any compensation was issued. If BP does issue Mr. Luna Espinoza a check, it will be sent to the alliance, since he has no fixed address.

At the Labor Department, a spokeswoman for Nancy Leppink, deputy administrator of the Wage and Hour Division, would say only that the division would “respond appropriately” to the alliance’s petition.

At the Ramada, business is still depressed, said Joseph Guidry, the general manager. Mr. Guidry declined to comment on the petition or the issue of requiring employers to pay out the contract and then await reimbursement from BP.

Mr. Luna Espinoza said he had been a guest worker before, working on a tobacco farm in Virginia. So which did he prefer?

“It was much better in tobacco,” he said. “They had more hours of work for me.”

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August 5, 2010

Turning a Crisis Into an Opportunity

By **PETER BAKER**

CHICAGO — At a political fund-raiser on Thursday for a close friend running for his old Senate seat, **President Obama** brought up the **oil spill** in the Gulf of Mexico to make his case to voters.

When the other side was in power, he said, they told the oil industry to “write your own rules.” More recently, he said, they “voted against holding oil companies like BP accountable for every dime of the spills they cause.” One leading Republican, he recalled, even “apologized to them.”

Now that the country’s worst oil spill in history has finally been stopped, expect a gusher of political debate over what it meant and whom to blame. For three months, Mr. Obama was tested in a way he had not been before, his seemingly detached initial response to the crisis evolving into a tougher approach to face down a multinational corporation.

He will spend the next three months until midterm Congressional elections trying to deflect questions about his administration’s effectiveness by turning them into questions about his critics’ coziness with the oil industry. The end of the spill, and the government’s conclusion that it did less damage than feared, certainly provides a welcome burst of good news for a president beleaguered by an anemic economy at home and relentless war abroad. But the question is whether he can define the episode on his terms.

Rahm Emanuel, the White House chief of staff, argued that Americans would appreciate what he called Mr. Obama’s steady hand and tough decision-making through the ordeal that led to a \$20 billion fund paid by BP to compensate victims. “He’s steady under fire,” he said, “and given all the crises, you want somebody who’s clear-eyed and determined to get their objective.” Republicans said the episode showed that Mr. Obama’s instincts were not as sharp at crisis management as at campaigning. “His leadership was a little uncertain,” said Frank J. Donatelli, a White House official under President **Ronald Reagan** and now chairman of Gopac, a Republican group. “It’s as if a lawyer approached the problem rather than a manager.”

The spill managed to dominate much of the late spring and summer and at times forced Mr. Obama out of his comfort zone. He found himself challenged to exhibit more of the frustration

Americans felt, and after nearly two months he finally used his first Oval Office address to confront the public uncertainty. After his wife, Michelle, urged Americans to vacation in the gulf region, he had to schedule a short family trip there himself before heading up to his favored Martha's Vineyard.

Along the way, he failed to translate the public anger over the spill into energy legislation, as he vowed to do. Even after he and Senate Democrats dropped any proposed limits on carbon pollution from the legislation, the remaining slimmed-down energy bill still failed to garner enough support to be put to a vote.

But as his aides scrambled to show that the administration was on top of the spill with daily briefings and statements updating the latest efforts to stop the flow or clean up the gulf, Mr. Obama resolved not to let it detract entirely from the rest of his agenda, as President [Jimmy Carter](#) arguably did during the Iranian hostage crisis or President [George W. Bush](#) did during the latter years of the Iraq war.

Indeed, on Thursday, Mr. Obama's second nominee to the Supreme Court, [Elena Kagan](#), was confirmed by the Senate, and he scored some late-session victories in pushing through a war-spending measure, an extension of unemployment benefits, money to head off teacher layoffs and a child nutrition bill.

"He's closing out the legislative year with a series of successes, unexpected ones," Mr. Emanuel said. After recent setbacks, he said, the president was making progress on other fronts, including in pressing the case against [Iran's nuclear program](#). After an extended down period, White House aides feel they are now in an up period.

Mr. Obama, at least, seems up when he is on the stump. In speech after speech in recent weeks, he has sounded more like his campaign self, energetically ripping into the opposition and trumpeting what he sees as his achievements.

With his poll numbers uncomfortably low heading into the midterm Congressional campaign, he is arguing that his policies have begun paying off, as he did when he talked about his auto industry bailout on Thursday.

Republicans counter that he is celebrating unpopular policies, as demonstrated this week in a referendum in Missouri where voters rejected a central element of his new health care program. "So as President Obama prepares to take another victory lap, who exactly is President Obama celebrating with?" asked a statement issued by the office of Representative [Eric Cantor](#) of Virginia, the House Republican whip.

What lessons Mr. Obama drew from the oil spill, he has not discussed much in public. No doubt had he to do it over again, he would have thought twice about announcing an expansion of **offshore drilling** just before the Deepwater Horizon rig exploded off the coast. And he has said he wished he had moved more aggressively to clean up the regulatory agency monitoring oil exploration.

But Mr. Obama is not someone to be rushed into moving before he is ready. Asked once why he took a couple of days to express anger at large bonuses by a bailed-out Wall Street firm, he said, "Because I like to know what I'm talking about before I speak."



Everything New Orleans

Plans still call for mud and cement to be pumped in to bottom of BP's Macondo well

Published: Thursday, August 05, 2010, 11:10 AM Updated: Thursday, August 05, 2010, 11:17 AM



Kimberly Quillen, The Times-Picayune

Though BP's Macondo well is currently being cemented from the top, National Incident Commander Thad Allen said there will still most likely be mud and cement pumped in to the well's bottom.

"This well will not be killed until there is a bottom kill," Allen said in a press briefing Thursday morning. "This will not be done until we complete the bottom kill."

A relief well will intersect the bottom of the Macondo well and be used to pump cement in from the bottom.

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BP pumping cement in well to finish 'static kill'

By GREG BLUESTEIN and HARRY R. WEBER Associated Press Writers © 2010 The Associated Press

Aug. 5, 2010, 1:23PM

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NEW ORLEANS — BP began pumping a steady stream of fresh cement into its blown-out oil well Thursday, hoping to seal for good the ruptured pipe that blew its top months ago and spewed crude into Gulf of Mexico in one of the world's worst spills.

A day before, crews forced a slow torrent of heavy mud down the broken wellhead to push the crude back to its underground source. This next step in the so-called "static kill" is intended to keep the oil from finding its way back out.

"This is not the end, but it will virtually assure us that there will be no chance of oil leaking into the environment," retired Adm. Thad Allen, who oversees the spill response for the government, said in Washington.

The progress was another bright spot as the tide appeared to be turning in the months-long battle to contain the oil, with a federal report this week indicating that only about a quarter of the spilled

crude remains in the Gulf and is degrading quickly.

Even so, Joey Yerkes, a 43-year-old fisherman in Destin, Fla., said he and other boaters, swimmers and scuba divers continue to find oil and tar balls in areas that have been declared clear.

"The end to the leak is good news, but the damage has been done," Yerkes said.

If the mud plug in the blown-out well is successfully augmented with the cement, the next step involves an 18,000-foot relief well that intersects with the old well just above the vast undersea reservoir that had been losing oil freely since the Deepwater Horizon rig exploded off Louisiana on April 20, killing 11 workers.

The hope has been to pump mud and possibly cement down the relief well after its completion later this month, supplementing the work in this week's static kill and stopping up the blown-out well from the bottom.

It could take at least a day for the cement pumped into the blown well to dry, and another five to seven days for crews to finish drilling the final 100 feet of the relief well. Then the pumping process in the relief well could last days or even weeks, depending on whether engineers find any oil leaks, Allen said.

Despite the progress on the static kill, BP executives and federal officials won't declare the threat dashed until they use the relief well — though lately they haven't been able to publicly agree on its role.

Federal officials including Allen have insisted that crews will shove mud and cement through the 18,000-foot relief well, which should be completed within weeks. Crews can't be sure the area between the inner piping and outer casing has been plugged until the relief well is complete, he said.

But for reasons unclear, BP officials have in recent days refused to commit to pumping cement down the relief well, saying only that it will be used in some fashion. BP officials have not elaborated on other options, but those could include using the well simply to test whether the reservoir is plugged.

"We have always said that we will move forward with the relief well. That will be the ultimate solution," BP Senior Vice President Kent Wells said Wednesday afternoon. "We need to take each step at a time. Clearly we need to pump cement. If we do it from the top, we might alter what we do with the relief well, but the relief well is still a part of the solution. The ultimate objective is getting this well permanently sealed."

The game of semantics has gone back and forth this week, with neither yielding.

Allen clearly said again Thursday that to be safe, the gusher will have to be plugged up from two directions, with the relief well being used for the so-called "bottom kill."

"The well will not be killed until we do the bottom kill and do whatever needs to be done," he said, adding: "I am the national incident commander and I issue the orders. This will not be done until we do the bottom kill."

BP shares rose 2.7 percent to \$40.46 in morning trading in New York. At one point they reached \$40.75, their highest level since May 28.

Whether the well is considered sealed yet or not, there's still oil in the Gulf or on its shores — nearly 53 million gallons of it, according to the report released Wednesday by the Interior Department and the National Oceanic and Atmospheric Administration. That's still nearly five times the size of the Exxon Valdez spill, which wreaked environmental havoc in Alaska in 1989.

But almost three-quarters of the nearly 207 million gallons of oil that leaked overall has been collected at the well by a temporary containment cap, been cleaned up or chemically dispersed, or naturally deteriorated, evaporated or dissolved, the report said.

The remaining oil, much of it below the surface, remains a threat to sea life and Gulf Coast marshes, NOAA Administrator Jane Lubchenco said. But the spill no longer threatens the Florida Keys or the East Coast, the report said.

Some outside experts have questioned the veracity of the report, with at least one top federal scientist warning that harmful effects could continue for years even with oil at the microscopic level.

But Allen said the estimates are based on the best data scientists had available and that they could be "refined" as more research is completed.

"Models are an approximation of reality and are therefore never perfect," he said.

An experimental cap has stopped the oil from flowing for the past three weeks, but it was not a permanent solution.

The static kill — also known as bullheading — probably would not have worked without that cap in place. It involves slowly pumping the mud and now the cement from a ship down lines running to the top of the ruptured well a mile below. A similar effort failed in May when the mud couldn't overcome the flow of oil.

Contributing to this report were Associated Press writers Jennifer Kay in Pensacola Beach, Fla., Mary Foster in Grand Isle, Tamara Lush in Tampa, Fla., Annie Greenberg in Miami, and Jay Reeves in Birmingham, Ala.

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Environment's rebound from oil spill clouded by unknowns

By Dan Vergano, USA TODAY

Environmental scientists, such as biochemist Arne Jernelöv of Sweden's Institute for Futures, generally talk about the recovery from the Gulf of Mexico oil spill's worst effects as a matter of years, not decades. Blessed with a hothouse environment, fast-growing marshes may appear to shrug off oil in months or weeks while microbes chew up much of the oil on the surface.

A government report Wednesday said that only about a quarter of the spilled oil remains in the Gulf. [Jane Lubchenco](#), administrator of the [National Oceanic and Atmospheric Administration](#), said much of the oil has evaporated or naturally dispersed into the seawater; still more has been burned, skimmed, chemically dispersed or captured by the first containment cap, which leaked badly but still carried oil to waiting ships.

WELL IS CAPPED: [Oil spill's cost comes into focus](#)

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At the same time, many long-term unknowns — such as the toxicity of the spilled crude's ingredients to the Gulf's spawning sea life — cloud the crystal ball. What really will determine whether the Gulf recovers, once the oil slicks fade, the well is plugged and the TV cameras stop rolling, might be the sustained response.

"Out of sight, out of mind" — I worry about that," says environmental toxicologist Kim Anderson of Oregon State University in Corvallis. "I worry people will stop caring." In the worst case, people could unknowingly eat dioxin-rich seafood or swim in seawater filled with toxic chemicals.

FULL COVERAGE: [The latest on the oil spill](#)

IMAGES: [Photos of oil disaster](#)

MAP: [Track oil spill's spread, effects](#)

VIDEO: [Latest broadcasts from the Gulf](#)

ENGULFED: [Your stories from the oil spill](#)

The Gulf of Mexico was not the world's healthiest body of water even before the spill. Fertilizer-fueled algae blooms annually created an oxygen-deprived "dead zone," measured this year at 7,722 square-miles, as big as New Jersey.

The 1979 Ixtoc spill off Mexico's Yucatan coast provides the closest parallel to the Deepwater Horizon spill.

Ixtoc's oil was a light crude, thick with lighter gasoline-like compounds that quickly dissipated but were also toxic. Fish and octopus catches declined as much as 70% from some Texas ports, but lagoons stayed clear of oil because of fresh-water inflows. "Most things returned to normal within three to four years," says oceanographer Bob Gagosian of the Consortium for Ocean Leadership.

Environmental scientists see the unprecedented use of 1.84 million gallons of dispersants, much of it applied to the leak 5,000 feet deep, as saving the shore from the full effects of the spill while exposing unknowable numbers of creatures to potentially worse effects from dispersed oil droplets. "It was a bit of a giant crapshoot," says fish toxicologist Peter Hodson of Canada's Queens University. "Clearly, it was a risky move."

Find this article at:

http://www.usatoday.com/news/nation/environment/2010-08-04-oil-spill-environmental-impact_N.htm

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6. **CHEMICALS:** Inhofe slams EPA for dispersant strategy (08/04/2010)

Elana Schor, E&E reporter

The Senate environment committee's senior Republican today led a defense of BP PLC's use of more than 1.8 million gallons of chemical dispersants in the Gulf of Mexico but left the door open to working with Democrats on reforming the use of the products "if there's a need for it."

Sen. James Inhofe (R-Okla.), a conservative who has battled the majority party on cap-and-trade climate legislation and other regulatory efforts, held his fire at Democrats while chastising U.S. EPA for its dispersant strategy over the course of the 86-day Gulf oil gusher. The agency initially pressed BP to choose a less toxic alternative to its preferred Corexit dispersant but shifted to emphasizing limits on the chemicals' use after the oil company resisted.

"I am concerned that EPA's back and forth" over dispersant approvals, Inhofe said, "which runs counter to having a list approved *prior* to an emergency -- may have exacerbated the damages caused by the BP spill."

Another Republican on the Senate Environment and Public Works Committee, which today examined the effects of dispersant spraying in the Gulf, said the Obama administration and BP "made the right choice" to deploy the products.

"I would suggest that those who criticize the use of dispersants are the same people who cannot offer one alternative to the use of dispersants in this situation," Sen. John Barrasso (R-Wyo.) said.

The environment panel hearing comes as senators weigh politically feasible responses to the Gulf disaster. Even as Democratic leaders punted votes on a scaled-down energy plan until September at the earliest, a dispersant reform measure authored by Sen. Frank Lautenberg (D-N.J.) appears unlikely to move forward without hitching a ride on that broader bill ([E&E Daily](#), Aug. 4).

Inhofe criticized provisions in an oil spill bill approved by the House last week that would impose a moratorium on dispersant use until EPA could perform more in-depth testing, stating that he is "not sure" new legislation is needed to enhance the approval process for using the products during emergencies. But "I commit today to work with Senator Lautenberg" on bipartisan dispersant reform, Inhofe added, "if there's a need for it."

EPA Administrator Lisa Jackson told senators last month that changes to existing dispersant rules would help in arming the agency with "critical transparency and openness protections that right now EPA cannot provide by law" ([Greenwire](#), July 15). The agency's assistant administrator for research, Paul Anastas, echoed those remarks today in telling Barrasso that "we do need to look back how the National Contingency Plan [governing oil-spill response] brings us in the data that we need."

Lingering concern over the consequences of dispersant use continues among some Gulf residents and scientists, particularly as states along the coast open up more waters to commercial fishing and the government performs sensory "smell" tests on seafood samples for components of dispersants. The advocacy group Public Employees for Environmental Responsibility today filed a legal petition aimed at pressing the Food and Drug Administration to begin more in-depth chemical testing for dispersants in seafood, as is currently done for polycyclic aromatic hydrocarbons present in spilled oil.

PEER executive director Jeff Ruch has said that several EPA toxicologists have approached his group to raise concerns about the internal process that led to the agency's strings-attached approval of dispersants in the Gulf,

EPA has conducted limited acute toxicity tests on dispersants alone and mixtures of the products with oil, but Anastas told senators that more long-term research was in the works. "While we have some knowledge of how these dispersants travel in the water column," he said, EPA hopes to study "specifically, how long it will take, how they will be metabolized, what are the breakdown products."

7. **POLITICS:** Landrieu pushing to get BP penalties for Gulf Coast restoration (08/04/2010)

Paul Quinlan, E&E reporter

Louisiana Democrat Mary Landrieu is urging Senate colleagues from the Gulf Coast to snare no less than 80 percent of all penalties to be paid by BP PLC for the massive Gulf of Mexico oil spill for coastal restoration in their five states.

Landrieu began circulating her proposal, which is dubbed "Justice for the Gulf Coast," late yesterday among senators from Alabama, Florida, Louisiana, Mississippi and Texas. Landrieu hopes to deliver their signatures to Senate Majority Leader Harry Reid (D-Nev.) and Minority Leader Mitch McConnell (R-Ky.) by week's end.

"Justice for the Gulf Coast will require a significant amount of funding to ensure that this coastline is made sustainable and resilient in the face of future threats -- be they natural or manmade," Landrieu wrote.

So far, none of her colleagues have signed on.

President Obama called for a Gulf Coast Restoration Plan in his Oval Office address in June and has pledged a restoration effort to repair decades of damage caused by oil and gas production and channelization of the Mississippi River.

Barring a change in the oil spill law, penalties paid by BP PLC as a result of its fiasco would go to the Oil Spill Liability Trust Fund for cleanups and claims related to future spills. Congressional appropriators would have to shift that money to pay for Gulf Coast restoration.

Last week, the House approved an amendment by Rep. Charles Melancon (D-La.) that would create a new Gulf of Mexico oil spill penalty of \$200 million per 1 million barrels and divert the resulting sum, an estimated \$1.2 billion, toward Gulf Coast restoration. ([E&ENews PM](#), Aug. 2)

Landrieu's plan would go further, setting aside as much as \$16 billion or more, provided that BP's federal fines are levied at the maximum, \$4,300-per-barrel rate in cases involving "gross negligence." Landrieu floated a similarly ambitious plan earlier this summer, when she called for creating a new federal agency, funded to the tune of \$1 billion per year, to carry out the restoration effort ([E&E Daily](#), June 23)

Environmental groups say such a large sum is exactly what is needed.

"I think that Americans will want to see the money that comes out of the BP disaster go toward restoring the Gulf," said Paul Harrison of the Environmental Defense Fund. "This is a good opportunity to invest the money that will come in as a result of what happened to the Gulf into making it a healthy place. It's a good idea."

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Whistleblower: BP used dispersants to hide oil

By Allison Kilkenny

Created Aug 4 2010 - 12:55pm

Fred McCallister, a whistleblower who claims BP is using dispersants to sink oil and hide it from the pesky media's cameras, will [testify before a Senate investigative panel this week](#) [1].

For quite some time, many bloggers and journalists following the BP-Corexit story, including me, have made the allegation that BP may have been experimenting by dumping over a million gallons of toxic dispersants into the ocean because they were desperately trying to prevent the oil from hitting the beaches.

(The amount of dispersants used by BP has been contested. Rep. Ed Markey has questioned the validity of BP's numbers, [saying on July 31](#) [2] that a new congressional report shows "BP carpet-bombed the ocean with these chemicals, and the Coast Guard allowed them to do it.")

Everyone remembers what happened to Exxon's public image the moment all of those adorable birds became coated in thick crude. And while BP has not been able to prevent oil from hitting [all coastal birds](#) [3], they have greatly diminished their PR liability by using dispersants like Corexit to coagulate the oil and sink it beneath the ocean's surface where the media cannot photograph it, and BP won't be fined for beach cleanup.

There, buried in the sea, the dispersants will likely alter the ecosystem – perhaps poisoning and killing ocean life – but by then BP will have fled the area, leaving future coastal generations to clean up their mess.

Perhaps most frustrating is that the [media](#) [4] has been assisting BP in shaping the narrative that not much harm was done by BP's underwater oil volcano. *Time Magazine's* Michael Grunwald thinks Rush Limbaugh "[has a point](#) [5]" because the extremist right-wing windbag spent weeks dismissing the disaster, and if Professor Limbaugh says things are a-okay, then they must be. Also, I guess all black people are on welfare, and Mexicans are the cause of the Depression, since we're believing every bit of bile that flies out of Rush's mouth.

BP seized upon the media's complacency to give themselves cover as they ready to pull out of the region. [Billy Nungesser](#) [6], President of Plaquemines Parish, LA said unequivocally that it is too soon for BP to scale back its clean-up efforts. The point is: no one can understand the scale of this disaster yet, but it's definitely too soon to let BP off the hook.

[Brad Johnson](#) [7] put it best:

...the only honest take on the BP disaster right now is that this is a calamity, the true scope of which will take years to discover, with many impacts impossible to ever know. No one knows how badly this disaster will affect the dying marshlands of Louisiana. No one knows how badly the toxic oil plumes will affect the spawning grounds of the bluefin tuna, the feeding grounds of the threatened Gulf sturgeon, or the future of the endangered Kemp's ridley sea turtles, whose corpses have been found at 15 times the historical rate this summer. No one knows what the long-term physical and mental health impacts will be on the tens of thousands of cleanup workers.

The only solution in the short-term is to not allow BP to walk away preemptively. They must be forced to make a long-term commitment to the coast. Set up shop there. Go meet the locals. Settle in for the long haul. It takes decades to learn the full consequences of an environmental calamity like the BP disaster. That's unfortunate, and it will demand the government and media remain vigilant, but it shouldn't serve as an excuse for the media to get lazy and say, "Guess she wasn't so bad!" so they don't feel guilty when they turn their back on Louisianans.

That kind of apathy protects negligent corporations. It allows BP to slip out the back door.

McCallister will make the far-left, extremist fringe statement that BP has an allegiance to its shareholders, and not to the majority of U.S. citizens (and their environment). As a result, the company is doing whatever it deems necessary to protect its bottom line, and if that includes experimenting with toxic dispersants, so be it. At least that icky oil isn't blackening the beaches, and thereby tarnishing the happy green flower logo.

Update: Where's the oil? The Upshot answers, "[It's oozing out of the Louisiana ground](#) [8]"

[11] at author

Allison Kilkenny is a radio host and political humorist, a fancy way of saying writer, who makes shitty world news funny. She is a regular contributor to the Huffington Post, the Beast, 236.com, and Alternet.org's Wiretap Magazine. Her work has also appeared on The Nation and she is a regular guest on SIRIUS radio.

She doesn't care if you're offended by anything she has written.

Further articles can be found at: www.allisonkilkenny.com

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Paychecks stop. *Life* goes on.

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Friday, Aug. 06, 2010

California: Brown Puts Whitman on the Defensive over Greenhouse Gases

By Kevin O'Leary / Los Angeles

How does California attorney general Jerry Brown fight billionaire Meg Whitman in the battle to be the next governor of the Golden State? Whitman, the former CEO of eBay, spends nearly as much per day (an average of \$531,378 over the past six weeks) as Brown has spent all year — \$633,205. Yet the cagey and frugal Brown leads the free-spending billionaire in the latest poll 37% to 34%. By necessity, Brown is running a low-budget guerrilla campaign against Whitman, whose spending has now zoomed past the \$100 million mark. Skilled at jumping on issues and turning them to his advantage, Brown is living off free media, hoarding his \$23 million in campaign cash for fall television ads and doing his best to keep the Whitman juggernaut off balance. And now, he's picked up his latest weapon: Proposition 23 on the November ballot.

Proposition 23 takes aim at California's ambitious environmental law (known as AB 32 or the global-warming law), which requires greenhouse-gas emissions to be reduced to 1990 levels by 2020. If approved by voters in November, the ballot measure would halt enforcement of AB 32 until California's unemployment rate, now over 12%, falls to 5.5% for at least four consecutive quarters. There have only been three periods in the past 30 years when California's unemployment rate dropped that low. At the moment, AB 32 is scheduled to come into force on Jan. 1, 2011. ([From TIME's Archives: When Jerry Brown ran for governor in 1974.](#))

Last week, Brown, a former California governor, declared global warming to be the defining issue between himself and the Republican candidate, saying Whitman "will gut AB 32." In the months to come, Brown said, "the contrast between my proposal for green jobs and her shilly-shallying on AB 32" will become clear. It seems to have come sooner. After weeks of saying she was neutral on Proposition 23, Whitman finally took a position — sort of. In an interview on talk radio in Los Angeles, Whitman said, "In all likelihood I will vote no on Prop 23," before adding that she has not yet made a "final decision." Still, she has not backed off a pledge she made at the time of the Republican primary: to suspend the greenhouse-gas-emissions law for at least a year if she becomes governor.

Brown, who is loudly against Proposition 23, had seized on Whitman's silence on the issue and is now pouncing on her waffling to portray her as a supporter of Prop 23. Indeed, despite her latest statement that she may vote no

the ballot measure's supporters see Whitman as an ally. "Whitman has said all along that AB 32 is a job killer and that she favors temporary suspension of the law and that is our position as well — it is consistent with Proposition 23," says Yes on 23 spokeswoman Anita Mangels. ([See Meg Whitman vs. the Nurses Union.](#))

Brown is well aware that Whitman's willingness to suspend the greenhouse-gas-emissions law puts her on the wrong side of California public opinion. A new poll by the Public Policy Institute of California shows that 66% of residents support the climate law, 45% of the public believe AB 32 will create more jobs, while only 23% believe it will kill jobs (24% say the number of jobs won't be affected). Independents, who currently support Whitman 42% to 39%, are opposed to Proposition 23 by 53% to 29%. Brown's goal is to make independents aware of Whitman's mushy stance on global warming and clean energy. ([Read "Is California Sold on Meg Whitman?"](#))

Brown echoes what environmentalists and supporters of green technology have been saying: Whitman's intention to suspend AB 32, like Proposition 23, would vaporize the nation's most audacious greenhouse-gas law. The author of the landmark measure, state Senator Fran Pavley, says a suspension of AB 32 by the next governor would be the same as repealing the law. "Over the last few years we have seen nearly \$900 million of venture capital invested in this new business opportunity in our state," says Pavley. "If AB 32 is taken away, these new jobs will dry up."

Brown may also see an advantage of tying Whitman to Prop 23 because it is financed from outside California. Funded by Texas oil companies Valero Energy Corp, Tesoro Corp and California-based Occidental Petroleum Corp, a coalition of businesses and antitax groups gathered enough signatures to qualify Prop 23 for November. Their argument is that, given the depth of the recession, AB 32 is an excessive energy tax that the state can ill afford.

Brown is joined in his opposition to Proposition 23 by two high-profile Republicans — Governor Arnold Schwarzenegger and former U.S. Secretary of State George Schultz, the co-chair of the No on 23 campaign. Furious at the attempt to derail his signature environmental achievement, Schwarzenegger says, "This initiative, sponsored by greedy Texas oil companies, would cripple California's fastest-growing economic sector." Opponents of Proposition 23 also include Google, the Silicon Valley Leadership Group and the Los Angeles Business Council.

Pressured by conservatives during the Republican primary to endorse Proposition 23, Whitman took the more moderate position of calling for a one-year moratorium on the implementation of AB 32. (The new law has a built-in stipulation that gives the governor of California the authority to suspend it for "extraordinary circumstances, catastrophic events or threat of significant economic harm" — a suspension that can be renewed annually.) Whitman spokeswoman Sarah Pompei insists the candidate has been consistent about AB 32 from the beginning. "Meg will place a one-year moratorium on specific AB 32 regulations," Pompei tells TIME. "While she supports the goals of AB 32, she also believes we must fix its implementation so each regulation is fully analyzed based on careful economic and environmental review."

Brown is giving no quarter. "Most Californians interpret Whitman's opposition to AB 32 as support for

Proposition 23," says Brown spokesman Sterling Clifford, "for the obvious reason that if you are against something, you are for its repeal." Meanwhile, Brown has vowed to champion renewable energy and efficiency standards as he did when he was governor in the 1970s. "When I was governor, California was the world leader in renewable energy and it led the nation in efficiency standards," said Brown. "Investing in clean energy and increasing efficiency are central elements of rebuilding our economy. It will create hundreds of thousands of jobs, build the businesses of the 21st century, increase energy independence and protect public health." The November election, says Steven Maviglio, spokesman for the No on 23 campaign, will be "a bellwether on climate-change policy around the country."

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[Ecological Society of America](#)

Scientists find new evidence of genetically modified plants in the wild

Research on invasive species, pollution and environmental disasters at ESA's Annual Meeting

Research is continually emerging on the impacts of invasive species, pollution and environmental disasters on ecosystems and communities. Ecological scientists will discuss widespread environmental changes—from the recent discovery of genetically modified plants in the wild to the implications of mercury found in bottlenose dolphin skin, and even exploring society's reactive mode toward environmental disasters in the U.S.—at the Ecological Society of America's 95th Annual Meeting in Pittsburgh from August 1-6, 2010. Below is a sampling of some of the research to be presented on a wide array of environmental issues:

Genetically modified canola plants in the wild

Scientists currently performing field research in North Dakota have discovered the first evidence of established populations of genetically modified plants in the wild. Meredith G. Schafer from the University of Arkansas and colleagues from North Dakota State University, California State University, Fresno and the U.S. Environmental Protection Agency established transects of land along 5,400 km of interstate, state and county roads in North Dakota from which they collected, photographed and tested 406 canola plants.

The results—which were recorded in early July and are set to be presented at ESA's Annual Meeting in Pittsburgh—provide strong evidence that transgenic plants have established populations outside of agricultural fields in the U.S. Of the 406 plants collected, 347 (86%) tested positive for CP4 EPSPS protein (confers tolerance to glyphosate herbicide) or PAT protein (confers tolerance to glufosinate herbicide).

"There were also two instances of multiple transgenes in single individuals," said one of the study's coauthors Cynthia Sagers, University of Arkansas. "Varieties with multiple transgenic traits have not yet been released commercially, so this finding suggests that feral populations are reproducing and have become established outside of cultivation. These observations have important implications for the ecology and management of native and weedy species, as well as for the management of biotech products in the U.S."

The poster session "Evidence for the establishment and persistence of genetically modified canola populations in the U.S.," led by Meredith G. Schafer from the University of Arkansas, will be held Friday, August 6, 2010.

Other sessions on invasive species include:

The contributed oral session "Bioeconomic approach to risk assessment for invasive animals in trade in the United States" led by Reuben P. Keller, University of Chicago; the poster session "Hurricane Katrina and the potential replacement of one ecosystem engineer by another on two Mississippi barrier islands" by Christine A. Bertz and J. Stephen Brewer, University of Mississippi; and the poster session "Early detection of invasive plant species: linking management needs with invasive species science" led by Daniel A. Sarr, Klamath Network-National Park Service.

Detecting mercury in bottlenose dolphins

Since 1997, researchers have been collecting skin biopsies from the Sarasota Bay, Florida bottlenose dolphin population as part of an ongoing health monitoring program. Debra L. Miller from the University of Georgia and colleagues performed the first histopathological examination of the biopsies to determine the possible adverse effects and mechanisms of tissue distribution of mercury in the bottlenose dolphin population.

In their upcoming presentation at ESA's Annual Meeting, the scientists will report, among other findings, that mercury concentrations increased in dolphin biopsy samples as the dolphins aged. Results also suggest greater binding of mercury in the skin during the winter season and a possible link between mercury concentration and keratin production. Miller will discuss implications for the conservation of dolphins and other animals and for future knowledge on mercury and human health.

The contributed oral session "Investigating mercury in bottlenose dolphin skin: what we have learned and where we go from here" by Debra L. Miller, University of Georgia, will be held Wednesday, August 4, 2010 at 8:20 am.

Other sessions on pollution and toxicity include:

The poster session "The effects of salt on anti-predator escape behaviors and size in green frog tadpoles (*Rana clamitans*)" led by George A. Samra, Pennsylvania State University; the organized oral session "Ozone pollution compromises plant defense responses to insect herbivory" led by Joshua R. Herr, Pennsylvania State University; and the contributed oral session "Mechanisms of cadmium toxicity and tolerance in *Populus*" led by Brahma Reddy Induri, West Virginia University.

Environmental disasters in the U.S.

During the Opening Plenary Panel at ESA's Annual Meeting, a panel of experts will discuss several case studies from prominent environmental disasters, including the discovery of Asian carp in the Great Lakes and the Deepwater Horizon Oil Rig accident, and will address the ways in which society assesses risk and reacts to, instead of prevents, grave outcomes.

Robert Twilley from Louisiana State University, an expert in wetlands on the coast of the Gulf of Mexico, will highlight how wetland degradation exacerbated the impact of hurricanes in the region and will discuss the recent oil disaster in the Gulf. David Lodge from the University of Notre Dame, an invasive species expert, will showcase past invasions and discuss the risk of similar disasters in the future, such as the spread of Asian Carp to the Great Lakes.

David Dzombak from Carnegie Mellon University, an expert in water quality engineering and contaminated site remediation, will discuss contaminated sediment and public health in New Orleans following the flooding from Hurricane Katrina. Baruch Fischhoff, an expert in risk analysis and decision science from Carnegie Mellon University, will address the communication of risk between experts and non-experts, particularly in areas such as human health, climate change and the environment.

The Opening Plenary Panel "Environmental disasters in the US: exploring our reactive mode" will be held Sunday, August 1, 2010 from 5:15-6:30 pm.

Other sessions on environmental disasters include:

The symposium "Ecological responses to abrupt climate changes: looking back to see ahead" co-organized by Stephen T. Jackson, University of Wyoming; the contributed oral session "Ocean acidification disrupts the innate ability of fish to detect predator olfactory cues" led by Danielle L. Dixon, James Cook University; and the poster session "How global extinctions impact local biodiversity" led by Shan Huang, University of Georgia.

###

ESA's 95th Annual Meeting will be held August 1-6, 2010 in Pittsburgh, Pennsylvania. The meeting will include more than 3,000 scientists, students and educators and will center on the theme "Global Warming: The legacy of our past, the challenge for our future."

The meeting program is available online in searchable format at eco.confex.com/eco/2010/techprogram/. All abstracts are embargoed until 12:00 am EST the day of their presentation. Contact Katie Kline at katie@esa.org (or during the Meeting at 412-325-6060) for details or to register as a member of the press.

The Ecological Society of America is the world's largest professional organization of ecologists, representing 10,000 scientists in the United States and around the globe. Since its founding in 1915, ESA has promoted the responsible application of ecological principles to the solution of environmental problems through ESA reports, journals, research, and expert testimony to Congress. ESA publishes four journals and convenes an annual scientific conference. Visit the ESA website at <http://www.esa.org> or find experts in ecological science at <http://www.esa.org/pao/rrt/>.

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Published: August 6, 2010 3:00 a.m.

Gulf spill echoes in Michigan river

Two oil disasters a nation apart share similarities

Kari Lydersen and David A. Fahrenthold | Washington Post

Also

Pipe inspection set

The ruptured section of pipeline that spewed oil into a Michigan river will be ready for inspection and removal shortly, officials said Thursday.

The damaged segment has been hard to reach because it's in a marshy, oil-covered area of Calhoun County. It will be examined in the ground at first and eventually cut out and shipped to a National Transportation Safety Board lab for tests, regulators said.

Officials with Enbridge Inc. and government agencies said the cleanup of the Kalamazoo River and other polluted waterways was going well, as crews continue removing tainted water and placing boom material as needed to contain and absorb the oil.

MARSHALL, Mich. — In the Summer of the Spill, history is already repeating itself, this time in Michigan.

An oil spill in the Kalamazoo River has set off a small-scale re-enactment of the Gulf of Mexico's drama in farm country 100 miles north of Fort Wayne. The villain is different: a broken pipeline, not a blown-out well. The oily birds are Canada geese, not pelicans.

But other plot points are eerily similar: A large company with safety violations. Regulators who didn't act quickly enough. Claims centers. Containment booms. Broken equipment that everybody's waiting to examine.

And now, questions about how much of the oil is gone and how much is just unaccounted for.

"The pattern that we see here is a pattern of inadequate oversight and supervision (in government) and an industry that appears to cut corners," said the National Wildlife Federation's Tim Warman, who helped write a report documenting hundreds of accidents in the oil and gas industry in the past decade.

It went to the printer last month, two days before the Michigan spill began.

"The pattern suggests that we're going to see more of them," Warman said.

The Michigan spill appears to have begun late July 25 when something broke in a 30-inch pipeline that carries oil from Canada to Midwestern refineries.

The leak wasn't noticed until 11:45 the next morning. By then, an estimated 19,500 barrels (819,000 gallons) had escaped.

It was enough to turn tiny Talmadge Creek into a stream of oil and make a section of the larger Kalamazoo River run black.

An Environmental Protection Agency official on the scene said it was the most destructive oil spill ever in the Midwest.

"I don't know if we'll feel safe ever again. That's the mindset this gives you," David Orban, who lives on the creek, said at a public hearing Monday.

Nearby homes were evacuated, and residents were left worrying about tainted air and drinking water.

As in the Gulf, scrutiny has fallen on an obscure federal agency charged with preventing this kind of calamity. There, it was the Minerals Management Service. Here, it is the Pipeline and Hazardous Materials Safety Administration, an arm of the Transportation Department.

In January, that agency's regulators had sent a "warning letter" to Enbridge Inc. about the pipeline, Line 6B. The agency says the pipeline, where 250 "anomalies" had been found the previous June, lacked some working monitors intended to detect internal corrosion.

In February, the agency said, it met with Enbridge's leaders to complain about larger safety problems. On July 15, Enbridge asked for an extension on its deadline to repair Line 6B. Before the agency could reply, the pipe apparently broke. It's still unclear what, precisely, caused the problem; the faulty pipe has not been removed from the scene.

This week, the agency defended itself, saying it only has the power to shut down a pipeline with "immediate integrity issues."

Enbridge's pipeline didn't qualify, the agency said in a written statement, because the company appeared to be working to fix the problems.

"Under the Obama administration, we have worked aggressively to restore oversight and ensure that safety is the number one priority," said a statement from John Porcari, deputy secretary of transportation. "That's why we repeatedly pushed Enbridge to address the safety and performance of its entire Lakehead Pipeline system." That system is the one that includes Line 6B.

– Associated Press

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Why our environmental laws are failing

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By [Eric Jantz](#)

Writers On The Range

Updated 8 Hours Ago

Ask most people about how the environmental laws in this country get implemented, and you're likely to meet with a blank stare. No one really knows the details, but the BP spill — combined with less well-publicized leaks from the Vermont Yankee nuclear power plant — signal to most people that the system isn't working.

I'm a practicing environmental lawyer, and I'll be the first to admit that our nation's environmental law framework is dense and arcane. I'll also be among those to second-guess whether it's working. I suspect that one of the biggest problems can be summed up in the words "agency deference."

Agency deference is the judicial doctrine that found its legs with the U.S. Supreme Court case *Chevron v. NRDC* in 1984. It precludes judges from revisiting decisions made by an administrative agency except in the most extreme circumstances. It's also the doctrine that makes it nearly impossible for there to be any independent review of decisions made by agencies, some of which have become more like industry enablers than hard-nosed regulators.

Although it may not have been the Supreme Court's intent, the *Chevron* case effectively gives administrative agencies nearly unlimited power over whether a community is subjected to pollution. Statistics bear this out. At the U.S. Court of Appeals for the 10th Circuit, for example, agency decisions are overturned only 1.5 percent of the time. Other federal circuits report similarly dismal numbers. In other words, no one is watching the watchmen.

In a perfect world, where regulatory agencies are serious and neutral and where regulators are never influenced by politics, turning life-and-death decisions over to a class of technocrats might have made sense. But in the real world, regulatory agencies are more often than not under substantial pressure from elected officials to acquiesce to demands from regulated industries. These agencies are also often staffed by bureaucrats who anticipate plum jobs in the industries they regulate once their government pensions have vested.

The BP oil explosion and resulting leak in the Gulf of Mexico is a case in point. The now well-documented coziness between regulators and the regulated industry resulted in an environmental catastrophe that has cost millions of dollars, ruined countless businesses and harmed a vast ocean ecosystem.

So what to do? There are probably many legitimate solutions to the problem, from getting big money out of politics to abolishing corporate personhood. But three concrete things can be done immediately. First, the federal and state governments should adopt what's known as the

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ederal and state governments should adopt what's known as the precautionary principle. It would require a polluter to prove that an activity, though risky, would not harm the environment. Using the precautionary principle would relieve pollution-impacted communities of the current burden of proving that a polluting activity was so risky and dangerous it should not have been attempted.

Second, state and federal judges ought to once again assume their review authority over administrative agencies. Even in light of the Chevron decision, our federal Constitution and all state constitutions give the judicial branch the authority to review the actions of the other branches of government to make sure they're in line with the governing laws and constitutional provisions. Reviewing courts should carefully scrutinize agency decisions and act aggressively in revisiting agency decisions that put communities at risk. If expertise is the issue, then judges who have technical backgrounds should be recruited and appointed to the bench. Alternatively, judges could specialize in particular areas of administrative law and develop a deep understanding of the technical issues in that area, just as practicing lawyers do.

Finally, the judiciary needs to abandon what's almost become a cult of the technocrat. Instead of throwing up their hands and relying on the "expertise" of agency bureaucrats, judges should begin to respect the expertise of the people who live in communities affected by a polluting industry. Members of communities impacted by polluting industry know who's been sick in their neighborhoods and when they got sick. They know which water sources are discolored and smell bad. They know whose child has had a recent asthma attack.

This kind of knowledge should not be subordinated to the knowledge brought in by hired guns with lots of letters after their names — although it usually is.

These suggestions meant to strengthen judges to do the right thing are by no means a panacea. But I think they're a good place to start to make environmental laws mean something on the ground.

Eric Jantz is a contributor to Writers on the Range, a syndication service of High Country News (hcn.org). He is an attorney with the New Mexico Environmental Law Center in Santa Fe, N.M.

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DEQ Issues Emergency Order For Burning Landfill

Posted: Aug 05, 2010 9:29 PM CDT

Updated: Aug 05, 2010 10:27 PM CDT



The Oklahoma Department of Environmental Quality issued an emergency order for North Tulsa's burning landfill to stop taking garbage.

Under the order, the landfill must be in compliance with all regulations including those that may have contributed to the fire.

The DEQ requested extra assistance from the Environmental Protection Agency. The EPA has dispatched a plane with air quality monitoring equipment.

Officials warn that, until the quality of the air is known, people suffering from asthma, bronchitis, encephalitis or other lung problems should stay indoors and away from the smoke as much as possible.



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**EPA's boiler proposal sparks Hill backlash***By Juliet Eilperin*

More than 100 House Democrats and Republicans have sent a sharply-worded letter to Environmental Protection Agency administrator [Lisa P. Jackson](#), suggesting a proposed rule to clean up industrial boilers nationwide could devastate U.S. manufacturing.

The [industrial boilers letter effort](#), led by Reps. [Walt Minnick](#) (D-Idaho) and Robert B. Aderholt (R-Ala.), represents an unusually-public rebuke of Jackson, who has pushed aggressively to enforce federal air-quality laws since taking control of the agency last year.

On June 4, EPA issued a proposal that would require industrial, commercial and institutional boilers and heaters to use "maximum achievable control technology" to cut harmful emissions that erode air quality and pose a public health risk. House members suggest in the letter that the rule could cost manufacturers "tens of billions of dollars" in compliance costs.

"As our nation struggles to recover from the current recession, we are deeply concerned that the potential impact of pending Clean Air Act regulations could be unsustainable for U.S. manufacturing and the high-paying jobs it provides."

The lawmakers--who include several vulnerable House Democrats from manufacturing states--urge EPA to "consider flexible approaches" in meeting the tougher emission requirements. [Rep. Scott Murphy](#) (D-N.Y.), said he's particularly worried about how the proposal rule would affect the forest products and paper industry in his district.

"The EPA should look out for public health issues, but we should work to achieve these goals while making sure we don't have unintended consequences that could punish manufacturing jobs during these tough times," Murphy said.

EPA officials could not immediately be reached for comment on the letter. However a source familiar with the matter, who asked not to be identified because he was not authorized to speak on the issue, said White House aides had begun speaking to some of the letter's signatories about how to

A note to our readers

**The Planet Panel**

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reach a compromise on the rule.

BY JULIET EILPERIN | AUGUST 5, 2010; 2:55 PM ET

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Why don't we go Metric and drop the Imperial units before doing anything else. Whet the hell wrong is with Congress? 'They' are not forced to purchase and use two incompatible tools and hardware set, like their forcing American Workers to do, for the last 35 years.

POSTED BY: SCREWWALLSTREET | AUGUST 5, 2010 8:34 PM
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I swear i think some of these people must work for a foreign government. They cant beat us militarily so they put in sleeper agent and just screw our industries up so much the economy collapses.

I will take off my tinfoil hat now but deep down i believe people in this country are trying to destroy us and i am not talking about the Republican/Democrat wars.

POSTED BY: PENNYWISETHECLOWN | AUGUST 5, 2010 6:46 PM
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NMDOT Announces End To Cottonwood Tree Removals

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KRWG News (2010-08-05)

LAS CRUCES (KRWG) - Transportation Secretary Gary L.J. Giron announced today that the Department will halt further cottonwood tree removals along Interstate 10.

After discussion with governing agencies from city, county and law enforcement to improve safety and environmental issues, the Department has agreed to trim and install guardrails around existing trees along the north side of the highway as a safety measure for both the trees and motorists, remove overgrown brush and non natives, and plant 40 new Cottonwood trees in another location that will not be subjected to the state right of way.

"The safety of the traveling public is our number one priority," said Transportation Secretary Gary L.J. Giron. "By keeping as many Cottonwoods as possible and planting new ones in a reasonable distance from the interstate to maintain the safety of the motorists, I believe we have come up with a solution that will satisfy all parties.

"Being fully aware that the Cottonwood is crucial to the riparian zones and ecosystems of New Mexico, I believe that this compromise will help ensure the future viability of this indigenous tree."

"I am always open to working with community representatives and the general public within my district whenever they raise concerns," said District One Transportation Commissioner John Hummer. "I am happy to see the collaboration between the public, state and non-governmental agencies result in a positive outcome."

The highway department began the tree- and brush-clearing project along the north and south sides of the interstate, between the Rio Grande and Motel Boulevard on May 5. After concerns were raised by the community, the Department agreed to re-evaluate the removal in late June.

Working with local government agencies, representatives from New Mexico State University's Agricultural Extension Service and the Southwest Environmental Center, the Department devised a solution. The Southwest Environmental Center will make recommendations on the 40 new trees that will be planted, and the NMDOT will be coordinating with a representative from NMSU on the trimming of the existing Cottonwoods to ensure the lifespan and future growth of the trees.

A public involvement meeting will be scheduled to further discuss aspects of this project including the timeline and scope of work.

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About This Blog

Energy writer Elizabeth Souder, environmental writer Randy Lee Loftis and editorial writer Colleen McCain Nelson blog about energy, the environment and air quality issues in Texas.

August 2010

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Energy efficiency agency: Nifty idea, about as likely as snow tonight in Dallas



6:46 PM Thu, Aug 05, 2010 | Permalink | Yahoo! Buzz
Elizabeth Souder/Reporter Bio | E-mail | News tips

The thinkers at Public Citizen and Environmental Defense Fund have an idea to cut utility bills and pollution.

They wrote a letter to House Speaker Joe Strauss suggesting the Legislature create an energy efficiency agency to oversee the various programs administered by a bunch of other agencies to cut energy use. A single agency could make sure the money Texas spends on efficiency is going as far as possible.

Neat idea. I'm no political expert, but it just doesn't seem likely to happen. Not when lawmakers are preoccupied with redistricting and balancing the budget.

As one of my colleagues put it: "I think everyone in Texas also needs free Jamocha shakes from Arby's, but that ain't happening, either."

But weird things happen. Sometimes Arby's gives stuff away. Sometimes it snows in July.

Meanwhile, entrepreneurs might want to read through the letter after the jump. Sounds like a pretty decent idea for a business -- helping customers take advantage of every efficiency program available.

Imagine a situation where a homeowner needs to replace a 25-year old refrigerator and they see an ad from their utility that tells them to go to the efficiency agency website to download a utility coupon for a \$200 rebate toward the purchase of an Energy Star refrigerator. While browsing the website, they learn that they will also save money on their utility bill because the new refrigerator costs considerably less to operate.

On the website they also learn about how they can save more money on their utilities by taking advantage of free low-flow faucet heads from their water utility, or a low-interest loan for replacing their inefficient electric water heater with a gas water heater from their gas utility.

They decide to schedule all three things. One truck delivers all three, saving the homeowner, the utilities, and the state money all at once.

Dear Speaker Straus:

How many state agencies does it take to screw in a compact fluorescent light bulb and a low-flow faucet head? In Texas, the answer will make you grimace: six. That's not a very efficient way to save money or energy.

Many Texans are struggling to make ends meet, paying off mortgages or rent plus utilities. Electric and water efficiency programs reduce a home's expenses without sacrificing comfort. These investments pay for themselves over time two and threefold, and avoid the need to build more expensive and potentially more polluting power plants, which end up costing the homeowner more money. Yet the way the state oversees its efficiency programs is ineffective and, ironically, inefficient. The Legislature can fix this.

We need your help to reform Texas' efficiency programs. We think an independent efficiency agency should be created because:

- Money-saving, Pro-consumer, pro-business energy efficiency programs languish at the PUC
- Current programs are spread over six different agencies
- One agency in charge of coordinating all of Texas' efficiency programs will reduce agency overlap
- It can be a "one stop shop" for information on all the rebates and incentives available to
- homes and create an opportunity to achieve more savings
- One truck (instead of three) can provide homes with comprehensive electric, water and gas efficiency services

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Texas Needs to Advance

The Public Utility Commission (PUC) cannot effectively manage the energy efficiency programs under its purview. As demonstrated during its hearing on Friday, July 30, 2010, the PUC radically scaled back a proposal recommended by their own consultants, that would have saved consumers \$4 to \$12 billion over twenty years. Why did they fail to advance a policy that has such clear benefits to our state?

The answer has to do with an inherent conflict of interest. Utilities profit from homes and businesses wasting energy. The more energy a house uses, the more money they make. While efficiency raises consumer spending in other areas of the economy, it reduces utilities' profits.

Moreover, the PUC does not consider the many hidden costs of air and water pollution from power plants when they consider efficiency program costs.

The problem with the PUC's recent decision on energy efficiency lies in the fact that they have failed, once again, to look at the larger picture when thinking about costs to consumers. They aren't looking at the benefits such as reduced peak power costs, fewer transmission upgrades, and less pollution.

Energy efficiency would cost around \$1 per month on a \$100 electric bill and save \$3, but they have indicated that even this small amount that pays for itself is too much. The Legislature has the ability and the perspective to set a strong and achievable goal for energy efficiency that will save households more money on their bill that will in turn boost consumer spending in other areas of the economy.

Another serious problem with the way things stand now concerns the Electric Reliability Council of Texas (ERCOT), the electric grid operator for most of the state. ERCOT is able to track new power plants that come online and incorporate those resource acquisitions into its long-term forecasts.

Long-term forecasts are then used to determine how much new power Texas needs in order to meet growing electric demand. However, energy savings, in addition to locally-generated power like solar rooftops and co-generation facilities are not accounted for in a comprehensive way. Utilities can report their savings to ERCOT, but this doesn't include the savings from local building energy codes, energy efficiency programs of electric cooperatives, and many other initiatives. An independent efficiency agency could take on that task and enable ERCOT to be more precise in its work, and provide clearer information to consumers and policymakers.

Organizational Structure Confuses Consumers

The following agencies cover at least one aspect of overseeing efficiency programs:

- Public Utility Commission
- State Energy Conservation Office
- Department of Housing and Community Affairs
- Water Development Board
- Office of Rural Community Affairs
- Railroad Commission (potentially for gas efficiency programs)

Does it make sense to split our state's efficiency initiatives six ways? How many full time employees are charged with doing market outreach just for their program? If consumers want to learn about what efficiency programs they are eligible for, who do they turn to? It would take many hours of research to find all the rebates and incentives that exist to help Texas homes become more efficient.

It just makes sense to coordinate efficiency programs through one independent state agency. Doing so has several benefits for consumers and could save the state a substantial amount of money and streamline state processes.

Reducing Overlap

As the list above shows, state employees from different agencies review, monitor, and promote various efficiency programs that are essentially doing the same job. None of these efficiency programs are coordinated with each other across agencies.

By pulling a few staff members out of their current agencies, we will forgo the need to hire any new employees to staff the new agency. In addition, by housing efficiency under one roof, Texas can avoid duplicating many of the tasks like market outreach. With one agency in charge of coordinating and promoting water, gas and electric efficiency, it would be a one-stop shop for the consumer to learn about what home improvement programs are available in their area. It would also improve accountability, transparency and effectiveness of all the state's efficiency programs.

One-Stop Shop: Synergy Creates Higher Achievable Cost-Effective Savings

Imagine a situation where a homeowner needs to replace a 25-year old refrigerator and they see an ad from their utility that tells them to go to the efficiency agency website to download a utility coupon for a \$200 rebate toward the purchase of an Energy Star refrigerator. While browsing the website, they learn that they will also save money on their utility bill because the new refrigerator costs considerably less to operate.

On the website they also learn about how they can save more money on their utilities by taking advantage of free low-flow faucet heads from their water utility, or a low-interest loan for replacing their inefficient electric water heater with a gas water heater from their gas utility.

They decide to schedule all three things. One truck delivers all three, saving the homeowner, the utilities, and the state money all at once. There could be substantial cost and energy savings if efficiency measures were installed at the same time by the same crews. The consolidated agency will coordinate all

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the work and investments, providing policymakers with clear benefits and costs from the programs to ensure their continued success for taxpayers.

Ensuring Goals Are Met

It is unclear whether we're getting the savings we think we are with the state's current efficiency programs. Current PUC-reviewed programs do not have adequate auditing procedures to prove what Texans are actually saving from participating in energy efficiency programs, and a lack of coordination between agencies means that there is no overall oversight into the savings and costs of these programs. An agency whose primary focus is efficiency would be better suited to track these, and provide better transparency and accountability to policymakers and taxpayers about the actual benefits these programs provide and at what cost.

Other States

Texas would not be alone in this consumer-oriented endeavor. Several states either have an independent agency or council for efficiency or something similar that coordinates efficiency programs and provides accurate data and sufficient accountability. These include Indiana, Ohio, New Jersey, Oregon, Delaware, Vermont, and Maryland.

In short, we recommend consolidating all state efficiency programs into an entity that could independently review, approve and assess the current PUC and other state programs.

Over the months leading up to the 82nd Legislative session, you will be receiving materials that explain these issues in more detail including ways the Legislature can use efficiency to reduce energy and water consumption to improve the lives of hard-working Texans.

We are more than willing to discuss any one of these topics face-to-face as well. If you have questions, please do not hesitate to contact us.

Sincerely,

Matthew Johnson
Energy Efficiency Programs
Public Citizen

Kate Robertson
Energy Efficiency Specialist
Environmental Defense Fund

cc: Members, Texas House of Representatives
Members, Texas State Senate

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Aug 05, 2010

USA's greenest cities? You might be surprised

12:26 PM

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A new [scorecard picks the 22 greenest U.S. cities](#), several of which are well-known as eco-friendly such as Portland, San Francisco, Boulder and Seattle. Yet others might surprise you.

Among the top scorers are four cities in Texas as well as Reno, Columbus, Ohio, Springfield, Ill., and Dubuque, Iowa, according to the "2010 Smarter Cities" by the Natural Resources Defense Council's online resource center, [smartercities.org](#). The rankings are based on energy use per capita, renewable power investments, efficiency efforts and conservation incentives.



CAPTION

Courtesy of Reno Tahoe USA

As the recession continues, cities nationwide are looking to save money by reducing energy use, says the reports, which incorporates data provided by cities, prior studies and the U.S. Environmental Protection Agency.

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"You might not expect to see [clean energy measures taking root in a Rust Belt city](#), but Columbus has realized that cutting down on energy costs and reducing dangerous pollution will help the economy and improve life for its residents," writes Frances Beinecke, the group's president. She says Columbus is, among other things, retrofitting city buildings and promoting public transit.

Beinecke says another top scorer, New York City, where she's lived for decades, is requiring buildings use less energy and waiving city sales tax on the most efficient vehicles. Also, she says, "I can ride the subway to work, buy local food at farmers markets, and purchase renewable power from my utility—all of which help me shrink my carbon footprint."

The [Huffington Post nominated seven green cities](#) of its own, some of which also appear on NRDC's list. The top cities from both sources include:

NRDC's "2010 Smarter Cities" for Energy

Large (population > 250,000):



CAPTION

By Robert Deutsch, USA

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- Boston, MA
- Chicago, IL
- Columbus, Ohio
- Dallas, TX
- El Paso, TX
- Long Beach, CA
- New York, NY
- Oakland, CA
- Portland, OR
- San Francisco, CA
- Seattle, WA

Medium (pop. between 100,00 - 249,999):

- Berkeley, CA
- Fort Collins, CO
- Huntington Beach, CA
- Reno, NV
- Springfield, IL
- Santa Clarita, CA

Small (Pop. < 100,000) :

- Beaverton, OR
- Denton, TX
- Dubuque, IA
- Santa Cruz, CA

The Huffington Post's nominees include:

Eugene, Ore.: Also called the Emerald City, gains 85 percent of its energy from wind-generated and hydroelectric sources. In 2007, the city introduced a hybrid public transit system (pictured), which was awarded the Sustainable Transport award in 2008. Eugene plans to be carbon neutral with no waste by 2020. The city houses many green start up companies, like Organically Grown Company, the northwest's biggest fruits and vegetables distributor.

Fayetteville, AK: With a population of 67,158, Fayetteville is an up and coming green city nestled in the Ozark Mountains. Fayetteville boasts an impressive farmers market in the newly renovated downtown square, featuring fruits, vegetables, flowers and herbs. Since 2007, Fayetteville requires all buildings greater than 5,000 square feet to be LEED-Silver Standard certified. The city also instituted Project LIGHTS to provide energy efficient light bulbs to low-income residences. Fayetteville is the first in the state to employ a Sustainability Coordinator, using the funds saved through eco-friendly measures to pay for the job.

Huntsville, Ala.: One-third of Huntsville, 46,000 acres, is composed of green space. In 2008, Huntsville was rated number 18 in Popular Science's America's 50 Greenest Cities.

Nashua, N.H.: Originally an industrial mill town, Nashua is a forerunner in converting abandoned industrial locations into green spaces. Because of the city's greening efforts, such as creating public parks, a bike shop and a senior center from the unoccupied sites, the EPA donated \$1 million to the city for future projects.

Austin, Texas: 15 percent of Austin's city limits are devoted to parks and other green open spaces: 206 parks, 26 green belts and 50 miles of biking and hiking trail. Austin's municipally owned Austin Energy is the largest renewable energy provider in the United States. Austin plans to be carbon neutral by 2020 as part of the Austin Climate Protection Plan. The city is currently undergoing the adoption of a smart grid, called the Pecan Street Project, which will reinvent the city's energy use.

Reno, NV: In the last five years, Reno has decreased its energy consumption by 17 percent. This infamous city at the base of the Sierra Nevada Mountains has been cited by Senator Harry Reid as "the Saudi Arabia of geothermal energy." According to Inhabitat, the Department of Energy recently granted a \$98.5 million loan from resources from the

American Reinvestment and Recovery Act to the Nevada Geothermal Power Company to fund geothermal projects throughout northwestern Nevada and southwest Oregon.

Long Beach, Ca.: Not only does Long Beach have a walk score of 70 as 52 percent of its residents prefer to walk, but by 2020, the city hopes to harvest 10 megawatts of solar power capacity. Long Beach has already generated solar power from some creatively odd sources: trash cans, parking lots and a dog park. In 2008, the city began to use solar energy to condense 150 gallons of trash in each 32-gallon trash container to reduce the energy used for waste disposal. According to the NRDC's profile, this miraculous innovation is just one of the many solar powered methods that the city is implementing.

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[mrnick1986](#) (0 friends, [send message](#)) wrote: 21m ago

tulipwalk (0 friends, [send message](#)) wrote: 28m ago

SO embarrassing that Philadelphia didn't even make it. Yes we have recycle bins all over Center City but subhumans that travel through rarely use them and there is no policing of litter bugs. This city stinks~!

lol subhumans that travel "through" philly??? subhumans ARE what populate philly lol....."it's always sunny " is about as close to a reality show as you can get. Just a dirty nasty town compared to so many other cities i've live in or near(i'm in bucks county, a suburb of philly) even 12 years ago there were on the order of over 10,000 vacant lots and about the same abandoned homes....cant even imagine today

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Insurance

Court Says Policyholder Must Show Payment Does Not Cover Costs to Pursue Other Claim

Under Texas law, a policyholder may not seek reimbursement for cleanup costs from one of its insurers unless it can show that its settlements with other insurers failed to fully cover those costs, the U.S. Court of Appeals for the Fifth Circuit held July 26 (*RSR Corp. v. International Insurance Co.*, 5th Cir., No. 09-10405, 7/26/10).

While the Texas Supreme Court has not decided who has the burden of allocating prior settlement proceeds to damages in an insurance contract dispute, the appeals court predicted that the Texas court would put that burden on the settling party.

In this instance, the Fifth Circuit said, that meant that the RSR Corp., which settled for more than \$76 million its contract disputes with a number of insurers over cleanup costs at more than 25 contaminated sites across the country, bore the burden of showing that none, or only some part, of those proceeds were to be allocated to the cleanup of the single property for which it was seeking reimbursement in the current lawsuit it filed against another of its insurers.

As the company was unable to show what portion of the \$76 million was allocated to the cleanup costs it incurred at the property near Seattle, the Fifth Circuit held, the entire \$76 million was attributable to that single property's cleanup tab.

The court then said that because RSR Corp., whose subsidiary ran a lead smelter on the property for 11 years, was only seeking \$13.1 million in cleanup costs from the International Insurance Co., those costs had been fully recouped and the insurer was entitled to a "take nothing judgment."

RSR had argued that International Insurance should have had the burden of showing how much of RSR's prior settlement proceeds were allocated to cleanup of the property, which was located on Harbor Island near Seattle.

Burden of Proof on Settling Party

In rejecting that position, the Fifth Circuit relied on a Texas Supreme Court opinion weighing the allocation issue in a tort suit involving settlements with multiple defendants in a benzene exposure lawsuit. In that case, *Mobil Oil Corp. v. Ellender*, 968 S.W.2d 917 (Tex. 1998), the appeals court said, the Texas Supreme Court "concluded that, where a settling party failed to allocate its settlement, the nonsettling party was entitled to a credit equaling the entire settlement amount."

Quoting from *Ellender*, the Fifth Circuit said the Texas Supreme Court's placement of the allocation burden on the settling party was based on its findings that "settling plaintiffs are in a better position than nonsettling defendants to insure that the settlement award is allocated between actual and punitive damages."

The Texas Supreme Court also said in *Ellender* that, "[w]ithout an allocation, Mobil, who was not a party to the settlement, had almost no ability to prove which part of the settlement amount represented actual damages."

"Nonsettling parties should not be penalized for events over which they have no control," the *Ellender* court said, also noting that putting the burden of proof on the settling party would prevent the inequitable possibility of a "double recovery" by the party.

"In our view," the Fifth Circuit said, "the situation in this case is analogous to the situation in *Ellender*. Just as Mobil was not a party to any of the plaintiffs' settlements in *Ellender*, here International was not a party to any of RSR's settlement agreements or negotiations" with its comprehensive general liability insurers.

"International should not be penalized for the fact that no allocations were made," the appeals court said. "Nor should RSR be rewarded for failing to track each of its liabilities diligently through to the end of its negotiations," the Fifth Circuit said. "Therefore, just as the Supreme Court of Texas placed the burden of uncertainty on the party to the settlement agreements in *Ellender*, so will we place it on the party to the settlements in this case."

'Other Insurance' Provision

International issued four environmental impairment liability policies to RSR or its subsidiary, Quemetco Inc., in the 1980s, covering Quemetco's lead smelter operation on Harbor Island. The policies covered damages caused by "environmental impairments," which were defined as releases or escapes of "any liquid, solid, gaseous, or thermal irritant, contaminant or pollutant into or upon land, the atmosphere, or any watercourse or body of water."

The policies contained an "other insurance" provision, however, stating that the policies only applied after all other insurance covering the same damages had been exhausted.

Between 1993 and 2005, RSR entered into 36 separate settlement agreements with a number of its comprehensive general liability insurers. The settlements, which totaled more than \$76 million, covered 25 separate sites owned or operated by RSR including the Harbor Island property. They came after a trial court in Houston held that the insurers were liable for covering damages related to the 25 sites despite "sudden and accidental" exceptions in the policies.

RSR Sued for Cleanup Costs in 2000

In 1986, the Environmental Protection Agency determined that Quemetco was a superfund potentially responsible party liable for contamination found on Harbor Island because of its lead smelter operations there.

In 2000, EPA sued RSR for past and future response costs it incurred cleaning up Harbor Island under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act.

William A. Brewer III with Bickel & Brewer in Dallas and others represented RSR and Quemetco.

Richard Brent Cooper with Cooper & Scully in Dallas and others represented International Insurance.

Judge Will Garwood issued the opinion.

The opinion of the U.S. Court of Appeals for the Fifth Circuit in RSR Corp. v. International Insurance Co. is available at http://psp.bna.com/smms/ready/court_opinions/fed/fed_ap/fa05/09_10405_cv0_pdf__v.pdf.

More information on the Harbor Island superfund site is available at <http://yosemite.epa.gov/r10/cleanup.nsf/346a4822da38ae7088256da6005fc923/5a64831b6521f46b8825650200836f1c!OpenDocument>.

Contact us at <http://www.bna.com/contact/index.html> or call 1-800-372-1033

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August 5, 2010

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10,658	-0.21%	2,295	-0.39%	1,124	-0.28%

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PRESS RELEASE

Aug. 5, 2010, 12:11 p.m. EDT · [Recommend](#) · Post: [f](#) [t](#)

TODAY: Enbridge Energy Partners to Hold Media Briefing on Enbridge Oil Spill August 5, 2010



MARSHALL, MICHIGAN, Aug 05, 2010 (MARKETWIRE via COMTEX) -- On behalf of the Unified Command, the Environmental Protection Agency officials, along with agencies participating in the Unified Command, will hold a media briefing regarding the Unified Command's ongoing response to the Enbridge oil spill in Michigan's Kalamazoo River. Enbridge will brief the media immediately following the government briefing in the same location and on the same conference line.

Date: August 5, 2010

Location: Marshall High School Cafeteria, 701 N. Marshall, Marshall, Mich.

Time: 1 p.m. Mountain / 2 p.m. Central / 3 p.m. Eastern

Credentials: A media badge is now required to enter the daily press briefings. Reporters and photographers already badged should proceed directly to the Cafeteria; all others will be escorted to the Unified Command building to receive a photo badge.

Enbridge has been advised by the Michigan Department of Emergency Management that there is a band camp operating at the High School through the entire week. Media may not interact with the students at risk of losing credentials.

For members of the media who need to call-in, please dial:

Dial-in: Toll-free at 1-866-383-7989 (North America)/ passcode 63136867

(please dial-in 15 minutes prior to call). International callers can dial-in to: 1-617-597-5328.

Conference Call replay information: A replay of the call will be available approximately two hours after the conclusion of the call by dialing 1-888-286-8010. International callers, please call 1-617-801-6888. Passcode for both: 59953971.

A media tour of the Wildlife Response Facility will occur today, August 5, 2010 at 2:00 p.m. ET at 114998 Old U.S. 27 N. in Marshall, Michigan. Media must present their credentials to be admitted access. Tours are scheduled to occur every other day at the Wildlife Response Facility at 2:00 p.m. ET.

Enbridge has launched a website to provide updates and further information about the Company's response to the leak on the 6B pipeline near Marshall, Michigan. The URL for the website is response.enbridgeus.com.

On Monday, July 26, a 30-inch pipeline belonging to Enbridge Energy Partners LP burst in Marshall, Mich., releasing an estimated 819,000 gallons of crude oil into Talmadge Creek, a waterway that feeds the Kalamazoo River. The spill has affected up to 25 miles of the Kalamazoo River. The spill site, located between Marshall and Battle Creek, includes marshlands, residential areas, farmland and businesses.

The Kalamazoo River is a fast-moving river and EPA's and the Unified Command's focus right now is on preventing oil from affecting sensitive shorelines.

EPA has the role of Federal On-Scene Coordinator for this incident.

Enbridge Energy Partners, L.P. (www.enbridgepartners.com) owns and operates a diversified portfolio of crude oil and natural gas transportation systems in the United States, including the Enbridge North Dakota System. Its principal crude oil system is the largest transporter of growing oil production from western Canada. The system's deliveries to refining centers and connected carriers in the United States account for approximately 12 per cent of total U.S. oil imports; while deliveries to Ontario, Canada satisfy approximately 60 per cent of refinery demand in that region. EEP's natural gas gathering, treating, processing and transmission assets, which are principally located onshore in the active U.S. Mid-Continent and Gulf Coast area, deliver approximately 2 billion cubic feet of natural gas daily.

Contacts:

Enbridge Energy Partners, L.P.

Toll Free Media Line 888-992-0997

www.enbridgepartners.com

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MarketWatch's Latest Tweets

"BP pumping in cement to seal Gulf well <http://on.mktw.net/aOPs68>"

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"BlackBerry enemies piling up for RIM <http://bit.ly/9i5K9B>"

11:26 a.m. EDT, Aug. 5, 2010 from [MarketWatch](#)

"U.S. stocks drop as claims resurface worries about jobs

<http://bit.ly/aMS8Ap>"

10:55 a.m. EDT, Aug. 5, 2010 from [MarketWatch](#)

"U.S. stocks off modestly after opening hour Thursday; energy and tech sectors lead decline <http://on.mktw.net/bTQ6tG>"

9:44 a.m. EDT, Aug. 5, 2010 from [MarketWatch](#)

"U.S. initial claims for jobless benefits rise by 19,000 in latest week

<http://on.mktw.net/9Jln9A>"

7:36 a.m. EDT, Aug. 5, 2010 from [MarketWatch](#)

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Texas uses record amount of electricity as temps surge

Posted Wednesday, Aug. 04, 2010

BY MITCH MITCHELL

mitchmitchell@star-telegram.com

Texans consumed a record amount of electricity Wednesday, according to the operators of the state's electric grid.

Usage hit 63,594 megawatts between 4 and 5 p.m., exceeding the previous record of 63,400 megawatts, recorded July 13, 2009, the Electric Reliability Council of Texas, or ERCOT, reported.

The unofficial record was set during a 24-hour test of a new control system that is scheduled to launch Dec. 1.

According to ERCOT's annual summer assessment, the region has adequate generation to cover an expected summer peak demand of more than 64,000 megawatts and still maintain a 21 percent cushion of reserves to cover unexpected major outages.

Other heat-related news

Three heat-related deaths have been recorded this year by the Tarrant County medical examiner's office, but none since June. Alexander Morales, age unavailable, died in late May; and Derek Luster, 27, and Zina Roundtree, 44, died in June, an office spokeswoman said.

Since May 1, MedStar crews have responded to 160 heat-related calls. The two busiest weeks were from June 11 to June 18, when paramedics answered 20 calls; and from July 16 to July 23, when 22 calls were answered.

A heat advisory for North Texas has been extended to 7 p.m. Friday as the forecast calls for the sixth straight day of 100-degree temperatures or higher today. The National Weather Service has also issued a Level Orange air pollution watch for today.

The high is expected to reach the low 100s today and Friday, and the low is expected to be in the upper 70s.

The need for help with electricity bills has surged with the heat, said Vicki Mize, manager of Tarrant County's 211 system.

"We are hearing from people with fixed incomes, and they can't keep up with their utility bills," she said.

"People who have been laid off or had their hours cut -- they cannot keep up with their bills. We've heard from more people than we've ever heard from before, and the bills are bigger than they ever have been before."

Mize said many electricity providers will not cut off a power because of nonpayment during a heat wave such as this one.

But utility companies extend that courtesy for only a limited time, Mize said.

"The priorities will be for the sick and infirm," she said. "Agencies do prioritize and help those with health issues, the elderly and small children first."

Mitch Mitchell, 817-390-7752

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Weatherford Telegram

Boil order rescinded after tests show Weatherford's water safe

Posted Thursday, Aug. 05, 2010

By MELODY MCDONALD

mjmcDonald@star-telegram.com

The water in Weatherford is safe to drink -- without boiling it first.

Shortly before noon on Thursday, officials rescinded a boil notice after test results indicated that the water was safe to consume.

The Texas Commission on Environmental Quality required the city to issue a boil notice after a critical pipe failed Monday at the city's water treatment plant, shutting off water to the city for about 18 hours. Since then, the pipe has been temporarily repaired and the water is back on.

Residents were asked to continue to boil water for drinking and cooking, however, until tests revealed that adequate pressure, disinfectant levels and bacteriological quality indicated it was no longer necessary.

The city continues to operate under a stage 3 water conservation level, which restricts outdoor water use and will be in effect until further notice.

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**FOR IMMEDIATE
RELEASE**

August 5, 2010
9:27 AM

**CONTACT: Public Employees for Environmental
Responsibility (PEER)**

Kate Hornyan (202) 265-7337

EPA Retreats from Environmental Justice Convoluting Guidance Paralyzes Decisions as Priority Pollution Efforts Ebb

WASHINGTON - August 5 - Rather than directly confront environmental justice challenges, the Environmental Protection Agency has issued internal guidance that is so convoluted and vague that it will stymie effective action, according to Public Employees for Environmental Responsibility (PEER). At the same time, EPA is allowing affirmative approaches to relieving the air pollution burden on the urban poor to languish.

In late July, EPA released its "Interim Guidance on Considering Environmental Justice During the Development of An Action" which proclaims that it "empowers decision-makers" to "integrate EJ [environmental justice] into the fabric of EPA's" actions. The actual guidance, however, lays out a stultifying multi-step process steeped in terms that seem designed to encourage inaction. For example, a flow-chart maps out 29 possible steps for "incorporating environmental justice" including sphinx-like admonitions such as -

- "Identify whether EJ concerns have been addressed. Be prepared to answer 3 core questions." and;
- "If applicable, address outreach, consider highlighting EJ options for comment, and address significant EJ issues in Action Memo."

"This new guidance imprisons environmental justice inside a bureaucratic Rubik's Cube that will confound even the most ardent EPA employee," stated PEER Executive Director Jeff Ruch, noting Administrator Lisa Jackson has declared environmental justice one of her priority issues. "This continues the pattern at EPA on environmental justice of putting process over substance."

By contrast, this June the EPA Office of Inspector General slammed EPA for a decade-long failure to implement national urban air toxics control plans, designed to alleviate a major public health threat to the nation's urban centers with concentrations of disadvantaged populations. The Clean Air Act Amendments of 1990 required EPA to develop a strategy to reduce air toxics emissions in urban areas, particularly from small stationary sources. While the agency was required to issue new urban emissions standards in 2000 for these smaller local sources, such as cars, dry cleaners and gas stations, EPA failed to follow through. Yet EPA figures show acute risks from these local sources -

potentially causing cancer in one in 28,000 Americans with two million residents in areas where the lifetime risk was one in 10,000 or greater.

"Why can't EPA make direct action to reduce the pollution load on urban poor a priority?" asked Ruch, decrying the lack of concrete results from EPA environmental justice efforts. "What good is a rhetorical commitment to environmental justice if our poorest citizens remain disproportionately exposed to toxins by virtue of where they live?"

Follow (if you can) the 29 simple steps for "Incorporating Environmental Justice" at EPA

Read the draft EPA Environmental Justice Guidance

Look at the 2010 Inspector General report on urban air toxics

See how bureaucracy trumps environmental justice at EPA

###

Public Employees for Environmental Responsibility (PEER) is a national alliance of local state and federal resource professionals. PEER's environmental work is solely directed by the needs of its members. As a consequence, we have the distinct honor of serving resource professionals who daily cast profiles in courage in cubicles across the country.

Public Employees for Environmental Responsibility (PEER) Links: **Homepage** **Press Center**

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Canadian pipeline firm makes safety concessions

 By JOSH FUNK AP Business Writer © 2010 The Associated Press
 Aug. 5, 2010, 2:00PM

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OMAHA, Neb. — The Canadian company that wants to build an oil pipeline from Canada to the Gulf of Mexico has dropped a proposal to run the pipeline at a higher pressure level and agreed to follow U.S. safety standards for the project.

TransCanada officials said Thursday the company would withdraw its application for a special permit and operate the Keystone XL pipeline at a normal pressure level.

Keystone pipeline vice president Robert Jones says TransCanada is responding to the concerns aired at public meetings on the project earlier this year.

Keystone XL would move oil from Canada through Montana, along the border of North Dakota and South Dakota to Nebraska. The pipeline then would hook up with another pipeline in Kansas and move oil through Oklahoma and Texas.

Online:

TransCanada's Keystone pipeline page: <http://www.transcanada.com/keystone.html>U.S. State Department's Keystone pipeline page: <http://www.keystonepipeline-xl.state.gov>


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Konawa receives funding for water system work

A wastewater improvement project in Oklahoma is one of 34 nationwide chosen to receive federal funding for water system improvements.

By The Associated Press  1
Published: August 5, 2010

A wastewater improvement project in Oklahoma is one of 34 nationwide chosen to receive federal funding for water system improvements.

The Konawa Public Works Authority in Konawa will receive a \$1 million loan and a \$2.99 million grant from the U.S. Department of Agriculture.

USDA Deputy Secretary Kathleen Merrigan announced the funding Thursday in Halifax, Va., for the 34 projects in 24 states nationwide.



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Shifting thermostats keep Austin guessing

Austin Energy says 78 is best for energy conservation, but most businesses are too cool for that.

By **Asher Price**

AMERICAN-STATESMAN STAFF

Published: 9:15 p.m. Wednesday, Aug. 4, 2010

Businesses and institutions around Austin consistently cool their spaces to temperatures lower than one recommended by Austin Energy, according to a survey conducted by the Austin American-Statesman.

Lower temperatures at barber shops, video stores, record stores, movie theaters, schools, post offices and restaurants mean higher energy consumption as Austin grapples with how to provide electricity to a growing population. The city consumes more electricity in the summer than in the winter, largely because of air conditioning. Last year, nonresidential customers consumed 41 percent of their electricity in June, July, August and September.

Austin Energy recommends Austinites set their thermostats no lower than 78 degrees during the summer. Each degree cooler than 78 increases energy use by 3 percent, the city-owned utility calculates.

At the post office on South Congress Avenue, the temperature is cool enough to require a cardigan. Mike Moreno, the post office manager, sets the temperature at 68 degrees.

He said the temperature pops up by about eight degrees after the post office closes at 6 p.m.

"The cooler the better, being that we're continuously working," Moreno said. "It's not like we're sitting around and not doing anything."

But at least one post office clerk complained to a reporter that the temperature was set too cold — the thermostat is kept under lock so that employees cannot adjust it.

Businesses have their reasons for setting cool temperatures.

At Antone's Records, the temperature was 72 degrees. Warmer temps "can't keep people in a retail environment," said David Starr, a clerk at the store, who said the thermostat is turned past 80 at the store's closing. "They're not going to look around and spend much time here if they're not comfortable."

At Twin Liquors, formerly known as Centennial Liquor, just north of the Drag, the temperature clocked in at 69 degrees.

"If it gets too hot, the wine will get bad pretty quick," explained store manager Christian Kazen.

The temperature at the H-E-B Grocery on Oltorf Street and South Congress Avenue ranged from 65 to 67 in the nonmeat and nondairy and nonfrozen-food sections.

"AC is my nemesis," said Michael Portman, the owner of Birds Barbershop on South Congress Avenue, where the thermostat is set to 71 degrees but the salon temperature is about 74 when morning sunlight streams in through big windows.

"If it breaks down, it's just a deal breaker. The first thing I do before I call the repairman is apologize to customers and offer \$5 dollars off a haircut."

CVS drug store employees have no control over the temperature in their own stores, said Antonio Lopez, a manager at a CVS just north of the Drag. Thermometers monitor temperatures in the store and send a signal to a computer at CVS headquarters in Rhode Island, which electronically cycles air conditioners on and off, he said. The temperature on a recent afternoon in the store was 71 degrees.

At the Paramount Theatre on Tuesday, Claire Woll, 30, came bearing a blanket and a wool sweater to see a matinee of "Ferris Bueller's Day Off." Outside, the temperature was over 95 degrees.

"The first time I came I wore a dress with straps and I was really, really cold," she said. "You definitely need to wear a sweater. No light cardigan will do."

At another recent showing, the balcony temperature was 66 degrees. Paramount head of programming Lietza Brass said the office thermostat is set to 73 degrees and that the balcony, beneath the vents, is the coolest part of the building. Another theater official explained that temperatures are set cooler for larger crowds.

Government buildings are also on the cool side. The rotunda in the Capitol extension was 73 degrees on a recent day. (The temperature is kept between 70 and 74 degrees in much of the Capitol complex, according to John Sneed, executive director of the State Preservation Board. At night, the temperature rises to 80.)

Travis County's Blackwell-Thurman Criminal Justice Center hovered around 75 degrees. On the third floor of the Faulk Central Library, by a section of books about Italy, the temperature was about 77 degrees.

At the Blanton Museum of Art the thermostat is set at 72 degrees, "the commonly used temperature for the conservation and preservation of the artwork," said Tom Flowers, head of facilities and operations at the museum. "A lot of people think it's too cold," he said. "We air condition for the artwork, not for the people."

The temperatures in about half of Austin public schools are set centrally.

"You can have two people next door to each other, and one is hot and one is cold," said Paul Turner, director of facilities for the Austin school district. "It's hard to know the best arrangement."

City Hall straddled the 78-degree guideline. The temperature in the wide-open lobby was as low as 69 degrees, but in a vacant City Council chambers it was 85 degrees.

Only one spot of about two dozen surveyed, Ruby's BBQ, had temperatures above 78. The temperature at the counter was 81 degrees.

"If it gets hot we turn it up; if it gets cold we turn it down," Joey Flowers, cashier at Ruby's, said.

Austin Energy spends about \$700,000 a year marketing residential and commercial energy efficiency programs, which consistently mention setting the thermostat to no lower than 78 degrees in the summer to reduce air-conditioning use.

"It's not going to be maximum comfort, but it may be a reasonable temperature if you're focused on your energy bill," said Ed Clark, a spokesman for Austin Energy.

Temperatures in the lobby of Austin Energy headquarters on Wednesday registered between 73 and 77 degrees.

asherprice@statesman.com; 445-3643

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Everything New Orleans

Metairie, Kenner lakefront hurricane projects to be aired at corps public meeting

Published: Thursday, August 05, 2010, 7:45 AM



The Times-Picayune

The **Army Corps of Engineers** will host a public meeting Tuesday in Metairie to discuss upcoming construction along the East Jefferson lakefront.



The Times-Picayune archive

The Suburban Canal drainage pumping station in Metairie is getting additional protection from storm surge.

The projects include **levee** enlargements, floodgate replacements, new breakwaters and new concrete T-walls in front of the **Duncan, Elmwood, Suburban and Bonabel drainage pumping** stations along Lake Pontchartrain in Kenner and Metairie. The breakwaters at the Duncan and Bonabel stations are complete, and fronting protection at the Suburban and Elmwood stations begins this month, the corps said.

The meeting will be held at Congregation Gates of Prayer, **4000 W. Esplanade Ave.** It begins with an open house at 6 p.m., followed by a corps presentation at 6:30 p.m.

Questions or comments about the projects may be mailed to the corps public affairs office at P.O. Box 60267, New Orleans 70160-0267, phoned to 504.862.2201, faxed to 504.862.1724 or e-mailed to **AskTheCorps@usace.army.mil**

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Forecasters say peak of storm season will be busy

(AP) – 2 hours ago

PENSACOLA, Fla. — Government forecasters say record high temperatures in the Atlantic Ocean will keep this hurricane season on track to be the busiest since 2005.

The National Oceanic and Atmospheric Administration on Thursday said 14 to 20 named tropical storms are expected to develop, with eight to 12 storms strengthening into hurricanes. Four to six of those hurricanes could become major storms with sustained winds of at least 111 mph.

That's slightly fewer storms than NOAA expected in May. But lead seasonal hurricane forecaster Gerry Bell says ocean temperatures and a climate phenomenon known as La Nina favor more storm development.

Three named storms have developed since hurricane season began June 1: Hurricane Alex and tropical storms Bonnie and Colin.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

PENSACOLA, Fla. (AP) — The U.S. government is set to update its outlook for the Atlantic hurricane season.

In May, the National Oceanic and Atmospheric Administration predicted this could be the busiest hurricane season since 2005, when hurricanes Katrina and Rita ripped along the same part of the Gulf Coast now coping with one of the world's worst oil spills.

NOAA scientists previously said they expected as many as 23 named tropical storms, including up to seven major hurricanes. They'll update their forecast Thursday.

So far, three named storms have developed. Hurricane Alex made landfall June 30 in northern Mexico. Tropical Storm Bonnie forced crews drilling a relief well in the Gulf to evacuate last month. Tropical Storm Colin dissipated earlier this week over the Atlantic.

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18 states endure deadly stretch of steamy weather

By HOLBROOK MOHR (AP) — 40 minutes ago

JACKSON, Miss. — This heat wave isn't just stifling — it's deadly.

Extreme temperatures continued Thursday across a large swath of the country, killing more than a dozen people, at least two police dogs and likely contributing to the death of Franklin the rhinoceros at a Mississippi zoo. Arkansas fire departments were volunteering to hose down overheated cattle, and people as far north as Maine were looking for ways to stay cool.

High school football teams and marching bands either practiced indoors or canceled altogether. Tennessee election officials touted air-conditioned polling places as a way to bring in voters, and many cities set up cooling centers for those who needed a break from the sun.

Residents were encouraged to check on their neighbors, especially the elderly.

The scorching temperatures and high humidity made it feel like at least 100 degrees in many places, with heat advisories in effect for 18 states.

"This heat wears on everybody," said Sandy Shamburger, who runs Rankin Sod Farm in Brandon, Miss. "We rigged up lights on a sod harvester so we can work at night."

Still, not even nightfall brings much relief, with temperatures lingering in the 80s in some places.

The heat has been blamed for at least 13 deaths in Mississippi and Tennessee alone, including a man who had a heart attack while mowing his lawn and a construction worker who was spreading concrete. Maryland authorities on Thursday reported two heat-related deaths from early last week.

Two concrete sections of U.S. Highway in central Mississippi buckled Tuesday, when temperatures hit 103 degrees.

"I can assure you, it was probably 120 degrees on the concrete," said Steve Grantham, assistant district engineer for the Mississippi Department of Transportation.

Animals also have fallen victim. Authorities also said a police dog died Wednesday from heat exhaustion in Tennessee's Blount County after a search for two burglars. A deputy and another dog, also from the Blount County Sheriff's Office, were treated for heat exhaustion. A Fayette County, Ga., handler had also reported his K-9 died because of the heat, said Blount County Sheriff's Department spokeswoman Marian O'Brian.

Heat may have also been to blame for the death of a 37-year-old rhinoceros named Franklin at the Jackson Zoo in Mississippi, where temperatures have surpassed 100 degrees in recent days.

And seven puppies died Wednesday while in the cargo hold of an American Airlines jet in Tulsa, Okla., said airline spokeswoman Mary Frances Fagan.

The heat wave has stretched far beyond the Deep South, where people are more accustomed to long, steamy summers. In the nation's capital, temperatures have hit at least 90 degrees on 45 days so far, said National Weather Service meteorologist Heath Sheffield. There were only 22 such days last year.

Chris and Ingrid Hayes and their three children found Washington hot — though not as toasty as their hometown of Atlanta. They had stopped for a photo in front of the White House earlier in the morning when it was cool, and they planned to stroll through the National Mall's many air-conditioned museums as the sun began to beat down more intensely.

"We're hoping that helps break up the heat," Ingrid Hayes said.

Carriage tour operators at Philadelphia's Independence Mall were facing the possibility of shutting down early so the horses didn't overheat.

"I've had a couple (of tourists) I thought were going to pass out and die out here," said Kim Hart of 76 Carriage Co. "They were from cooler climates, so they weren't used to it."

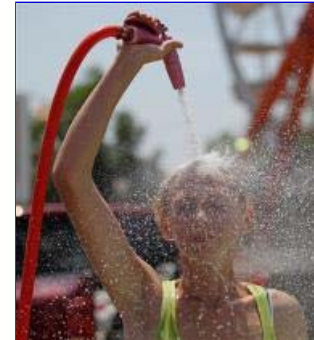
Even the northeastern-most corner of the United States has been feeling it this summer. In Portland, Maine, last month was the second-hottest July on record. Billyjo Auger, 24, drinks lots of fluids and sometimes goes for a dip in the cool waters of Portland Harbor.

"There's nothing better than jumping into the water or eating Popsicles," he said this week on a muggy day at the Maine State Pier.

As students began returning to class for the fall semester, schools also had to make sure children were protected from the heat.

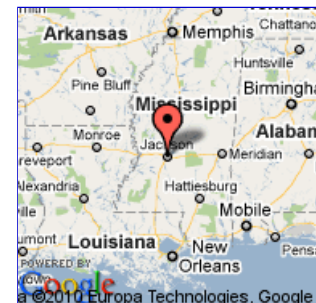
At Grady High School in Atlanta, football practice was held indoors this week because of the blazing temperatures and oppressive humidity, said Atlanta Public Schools Superintendent Beverly Hall. Eight high school students at an Atlanta band camp had to be hospitalized for heat exhaustion as the index reached 105 degrees.

AP Associated Press



Sylvia Coeur sprays herself with a water hose after setting up a booth at the Indiana State Fair in Indianapolis, Wednesday, Aug. 4, 2010. The fair starts Friday, Aug. 6, and runs through Sunday, Aug. 22. (AP Photo/Darron Cummings)

Map



In Kentucky, six high school football players were recovering from heat exhaustion after becoming ill at practice Wednesday, said Penny Alderman, assistant principal at Rowan County Senior High School. Other players had to be treated by a school nurse, and practice was canceled, she said.

Erin McCowan, whose 15-year-old daughter, Ebone, attends North Cobb High School outside Atlanta, said her daughter's bus doesn't have air conditioning. But the school district allows children to bring water on the bus and always keeps the windows down, McCowan said.

"The afternoon — it is really hot," the Acworth resident said. "In our subdivision, we have a large hill she has to walk up. She asks me to meet her at the bottom of the hill a lot."

Associated Press Writers Jack Elliott Jr. and Emily Wagster Pettus in Jackson; Lauren Sausser and Jessica Gresko in Washington; Michael Kunzelman in New Orleans; Dorie Turner in Atlanta; Maryclaire Dale in Philadelphia; Clarke Canfield in Portland, Maine; and David Koenig in Fort Worth, Texas, contributed to this report.

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Free vehicle exhaust check Aug. 18 at Whataburger Field

By Mike Baird

Thursday, August 5, 2010

CORPUS CHRISTI — Area residents can help clean South Texas' air by having their vehicle's exhaust emissions checked from 10 a.m. to 2 p.m. Wednesday at the Whataburger Field parking lot.

It's the 13th year the Port of Corpus Christi, Texas Department of Transportation and Pollution Prevention Partnership have hosted the free auto check.

Technicians will test exhaust emissions, check gas caps for leaks and measure tire pressure. If testing shows a vehicle is a polluter, the owner may qualify for a voucher for free repairs.

The program is funded by the Texas Commission for Environmental Quality. It was developed to improve air quality in the Coastal Bend and to maintain national ambient air quality standards.



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Published on *Ultimate Conroe* (<http://www.ultimateconroe.com>)

[Home](#) > Water rates set to rise around county

Water rates set to rise around county

By *Beth Kuhles*

Created 2010-08-05 08:13

Beginning Aug. 1, many residents and businesses in Montgomery County will begin to see water rates rise to help pay for an alternative water supply from Lake Conroe.

“The typical water bill is about \$2 to \$5 per 1,000 gallons,” said Jace Houston, deputy general manager at the San Jacinto River Authority. “The new fees will mean about a 10 to 25 percent increase in bills.”

The San Jacinto River Authority is managing a plan to supplement the county’s dwindling underground water supply by getting water from Lake Conroe.

To help pay for the \$480 million project, the authority will begin collecting a 50 cent per 1,000 gallon fee on 71 large water providers in the county, representing nearly 78 percent of all groundwater pumped in the county.

The money will be used to plan and build a water plant and pipelines to get water from the lake to high population areas in The Woodlands and Conroe. The county is under a mandate to reduce its reliance on the underground water supply by 30 percent by 2016.

In The Woodlands, the average water bill is expected to increase 23 percent, from \$47.50 to \$58.50 for 23,000 gallons of water every two months. The Woodlands Joint Power Agency has implemented several conservation efforts and is encouraging residents to adjust their irrigation system to absorb the increase.

“For those customers that have irrigation system, if they look closely at their watering schedule they can adjust them to offset the increase without hurting their turf,” said Jim Stinson, general manager of The Woodlands Joint Powers Agency, which oversees 11 municipal utility district in the community.

Conroe began implementing the new water rate in May, which increased bills from about 21 to 31 percent, based on a new tiered rate structure recently adopted in the city. While the average water bill was \$24 a month, based on 10,000 gallons of use, residents will pay \$29 with the new fee.

In October, the city will implement a second increase, to 75 cents per 1,000 gallons to offset the use in city buildings. That will increase the average bill to \$31.50, said Steve

Williams, director of finance for Conroe.

The new water rates are just the beginning of a long and costly process to develop an alternative water supply for the growing county. The rate is expected to increase about 50 cents per 1,000 gallons annually, topping out at \$2 per 1000 gallons by 2013.

“Even though we won’t be drinking the water from Lake Conroe until 2016, it takes about six years to plan, design, and build a surface water treatment plant and transmission pipelines,” said Houston. “Even before all the contracts were signed, the SJRA had to start the preliminary planning and testing process just to keep the project on schedule.”

The San Jacinto River Authority, a wholesale water provider, is the only entity to offer a countywide solution to the problem. While water from Lake Conroe would be pumped to The Woodlands and Conroe, other outlying rural areas were invited to join the effort to achieve an overall 30 percent groundwater reduction by the group. All participating providers would be required to pay the 50 cent per 1,000 gallon fee, which is passed onto customers.

Other large water providers in the county – those permitted to use more than 10 million annually – are looking into other options, such as conservation, wastewater reuse, or the use of brackish water from deep underground. These projects could result in additional costs for their customers.

“We are experiencing a period of transition in where we get our water and what it costs,” said Stinson. “No one likes to pay higher prices. But failure to make the changeover is not an option as we use up relatively inexpensive groundwater supplies and are forced to build a new system for utilizing more expensive surface water.”

In the meantime, several local water providers are promoting conservation. Both Conroe and The Woodlands municipal utility districts have adopted tiered water rate structures that charge higher water rates for those residents and customers that use higher amounts of water. The Woodlands also has incentive program to reduce the water wasted through excessive irrigation.

Evaluating Water Efficiency

The Lone Star Groundwater Conservation District, which manages the groundwater in the county, is holding a series of workshops on how to evaluate water efficiency for utilities as well as large scale commercial operations, such as medical facilities, restaurant and food services, schools, laundries, car washes, and landscaping/irrigation, etc. The sessions will be held Aug. 25 or Aug. 26 from 9 a.m. to 5 p.m. For more information, contact Marjie Risk at 936-494-3436.

[Conroe ISD](#) [Schools](#) [City of Conroe](#) [Montgomery County](#)

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POLITICS | AUGUST 5, 2010, 11:06 A.M. ET

Spill-Bill Delay Spurs Lobbyists Into Action

By TENNILLE TRACY

WASHINGTON—Energy and environmental lobbyists will jump back into action in coming weeks as they attempt once again to shape the contents of an oil-spill bill in the Senate.

After Senate Democrats decided to postpone a vote on a spill bill, saying they would revive the issue when lawmakers returned from a summer recess in September, stakeholders now say they will redouble their efforts to change the legislation.

For groups representing the energy industry, that means pressing lawmakers to reconsider caps on liability for BP PLC and other companies that cause oil spills.

For environmental groups, meanwhile, that means asking Senate members to support a cap on carbon-dioxide emissions and to impose renewable electricity standards.

The success of their efforts depends largely on Senate Majority Leader Harry Reid (D., Nev.) and the handful of Democrats who are steering the oil-spill bill through the Senate. Among them are Sens. John Kerry (D., Mass.), Barbara Boxer (D., Calif.), Jeff Bingaman (D, N.M.) and Robert Menendez (D, N.J.).

These Democrats are likely to make at least some changes to the bill they unveiled in July, in large part because they don't have the necessary 60 votes to push it through the chamber in its current form. But it's unclear just how much of the legislation they would be willing to amend.

"Clearly, the votes weren't there for the proposals that were on the table," said American Petroleum Institute President Jack Gerard. "So there will have to be some adjustments to pass the bill."

The energy industry is going to ask lawmakers to amend current proposals on liability caps. The Democrats' bill eliminates the caps altogether, but Republicans and some Democrats have said that the move would make it prohibitively expensive for small to midsize producers to do business.

The debate over liability caps proved to be one of the thorniest issues in the Senate bill, and Mr. Reid might have to look at alternative proposals being developed by Sens. Mary Landrieu (D., La.) and Mark Begich (D., Alaska) if he wants to recruit more support.

Energy lobbyists will also ask lawmakers to remove existing proposals that require natural-gas companies to disclose the chemicals they use in a drilling process called hydraulic fracturing, Mr. Gerard said.

Environmental groups, meanwhile, want lawmakers to reconsider a cap and trade program for carbon dioxide, even if it applies to just one segment of the industries that emit carbon dioxide.

And renewable energy advocates wants Congress to impose renewable electricity standards, which would force power companies to generate a certain portion of their electricity from renewable sources, like wind and solar.

Neither proposals made it into the Democrats' current bill, but they both have supporters on Capitol Hill.

"If the stars align over the next few weeks, there's a chance we could get that enacted this year," said Tony Kriendler, a spokesman for Environmental Defense Fund. "The energy bill is still the natural vehicle."

Given the time constraints facing Senate lawmakers in the fall, Mr. Reid might have to scale back the current bill even further to attract enough support to move it through the Senate.

But if Democrats lose interest in passing the measure, or believe its success is unlikely, they could incorporate carbon caps and renewable electricity standards to please environmental groups and other members of their liberal base.

Write to Tennille Tracy at tennille.tracy@dowjones.com

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U.S. TAKES LEAD IN REGULATING GREENHOUSE GAS EMISSIONS

By Rosalind Peterson
August 5, 2010
NewsWithViews.com

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On June 10, 2010, in a historic U.S. Senate vote, fifty three Senators (53-47), upheld the right of the EPA to regulate and reduce all greenhouse gas emissions. This vote also upheld a recent decision by the U.S. Supreme Court on April 2, 2007, which allowed the EPA to regulate and reduce all greenhouse gases (1).

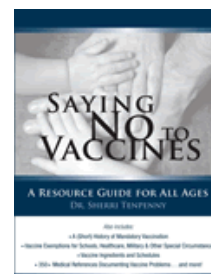
This vote, supported by the Obama administration, sets an example for the entire world to follow and demonstrates that the United States will be leading the world in regulating and reducing greenhouse gases, this year, unless this vote is undermined by the passage of a new senate climate/energy bill. The June 10th senate vote renders obsolete the Kerry/Lieberman Climate/Energy Draft Legislation or other climate/energy Senate legislation, to be introduced this fall, because the EPA can start today regulating and reducing all greenhouse gas emissions to protect the environment.

Polluters may now be fined by the EPA for not curbing greenhouse gases and the fines can be used to fund and support clean energy alternatives and new pollution reduction technology for polluting industries.

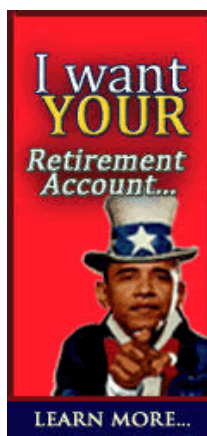
Senator Barbara Boxer deserves tremendous credit for this historical vote and in taking action to lead the nation in reducing

Our senators should be required to read and release the text of the bill prior to any vote so that the public is informed and can make recommendations to their respective senators.

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greenhouse gases in 2010. And she sets an example, along with President Obama, for the entire world, on how to reduce greenhouse gas and other pollution emissions. We are encouraging Senator Boxer to oppose any new climate/energy legislation which would undermine the EPA's ability to regulate and reduce greenhouse gases today or undermine the U.S. Clean Air and Water Acts.

There are now serious threats to the EPA immediately regulating and reducing greenhouse gas emission. In the Senate Vote on June 10th, six Democratic Senators voted to stop the EPA from regulating any greenhouse gases: Senators Rockefeller, Lincoln, Ben Nelson, Landrieu, Bayh, and Pryor. Most of these democratic senators are working to stop the EPA from regulating most greenhouse gases by watering down or putting into proposed climate and energy draft bills wording that would undermine the EPA. Senator Rockefeller introduced U.S. Senate Bill S3072 which would delay any EPA regulations reductions for at least two years (2).

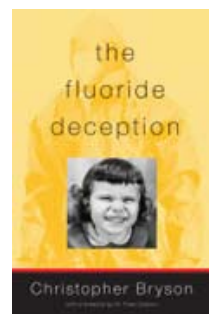
Senator Reid will introduce legislation this fall that will benefit Halliburton and the natural gas industry (while undermining the clean water act), according to a press conference he held on July 22, 2010 on upcoming energy legislation. Large trucks will be converted, at considerable expense, from using diesel fuel to natural gas. Hydraulic Fracking (using water, sand, and highly toxic chemicals that pollute groundwater and wells), will increase, with more natural gas drilling, destroying the water supplies in many regions of the United States (10-11).

If Senator Reid wanted to put people to work he would introduce legislation that would expand rail transportation for goods and services. High speed rail transportation would move people across the U.S. faster and also would be less polluting. Trucks could be hauled by rail cars which would move them across the country using less energy. There would also be less maintenance needed for highways as trucks cause more damage than automobiles.



Advertisement

Senator Dorgan's presentation regarding the U.S. Senate climate/energy legislation (which was recorded by C-SPAN2), should be viewed by everyone as it addresses the destructive nature of the "Cap & Trade" schemes built into U.S. House Bill H.R. 2454, that passed in 2009, and the proposed climate/energy bills in the U.S. Senate (3). It should be noted that offsets in both bills will be either given away free or they can be purchased by polluting corporations to allow them to continue to pollute at current, or ever-increasing levels, over the next seven years before any greenhouse gas emission reductions are required. Senator Dorgan was right when he stated in his Senate presentation: "It Makes No Sense to Me!"



The U.S. House Bill Climate/Energy Bill (4 Versions) H.R. 2454 are online and should be reviewed as they will be combined in "Conference" with any U.S. Senate Climate/Energy Bills that are passed in 2010. Since the Climate Bill passed the U.S. House it has gone to the Senate. (Keep in mind that debate may be taking place on a companion bill in the Senate, rather than on this particular bill.) U.S. H.R. 2454 allows no Reductions in Greenhouse Gases until 2017, and then only a 20% reduction of 2005 emissions levels. The new climate/energy legislation will allow polluters to purchase offsets (or receive them free), so that they can keep polluting, at current or higher levels, for many years without any reductions. The House Bill and the new proposed Senate Bill will only move us backwards.

The new climate/energy bill also revitalizes the highly polluting nuclear power industry. It takes fossil fuels for uranium mining which pollutes rivers and streams. Fossil fuels are used all the way through the highly intensive and polluting enrichment processes that also pollutes our environment. And there is no place to safely store the waste from all of our current plants. These plants need lots of cold water to cool the reactors-the hot water being returned to harm rivers, streams or the ocean.

The insurance companies won't insure nuclear power plants because of so many problems...thus, the House and Senate Bills are designed to have U.S. taxpayers pay (under a carbon tax), for nuclear loan guarantees and other expanses. Thus, instead of funding alternative energy that is less polluting the new climate/energy bills will embrace not only nuclear but other polluting industries like coal, gas, and oil.

The Union of Concerned Scientist's June 10, 2010, report "Nuclear Power Subsidies Will shift Financial Risks to Taxpayers" noted the following: "...The nuclear power industry is seeking tens of billions (about \$147 Billion), in new subsidies and other incentives in federal climate and energy legislation that would shift massive construction, financing, operating and regulatory costs and risks from the industry and its financial backers to U.S. taxpayers. Congress should reject these overly generous subsidies to this mature industry whose history of skyrocketing costs and construction overruns already has resulted in two costly bailouts by taxpayers and captive ratepayers—once in the 1970s and 1980s when utilities cancelled or abandoned more than 100 plants, and again in the 1990s when plant owners offloaded their "stranded costs..." (5-7)

There will only be a pittance left over for alternative energy when all of these polluting industries are revitalized or funded with our tax dollars. In addition, the buying and selling of offsets allows polluters to continue to pollute at current or ever-increasing levels and places us in the position of doing nothing about greenhouse gas emissions. With the Cap & Trade and bank provisions written into the U.S. House Bill, this gives Wall Street a financial bonanza paid for by our tax dollars.

Many corporations and various groups are asking people to support the Senate climate/energy bill even though the newest

draft will not be introduced in the Senate until this fall. Polluting corporations see a financial bonanza waiting for them from our tax dollars without any restrictions on their greenhouse gas emissions.

Our senators should be required to read and release the text of the bill prior to any vote so that the public is informed and can make recommendations to their respective senators. When the public reads about Wall Street and the Banks that will benefit from these Corporate Ponzi Schemes one can bet that they will say: "NO!"

We are being asked, in recent blitz-type television advertising, to support this proposed Senate legislation even though no one has read it? This seems outrageous. We do know the contents of the full text of U.S. House Bill 2454 (4). Thus, any version of the Senate version will have many of those same provisions. Thus, a reading of the House Bill should help in determining a position on the proposed Senate legislation until the text of the Senate bill is released to the public.



On July 19, 2010 Earthjustice wrote: *"...We cannot allow this climate bill to be a way for big polluters to get out of Clean Air (or Water) Act controls that protect us from dangerous soot, smog, and air toxics. The health and well-being of the American people is not a bargaining chip and any discussion of such a deadly trade-off must end..."*

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The U.S. Senate Vote on June 10th was a victory for the people of the United States starts our country on the path of reducing greenhouse gases. The vote demonstrates to the rest of the world that we are serious about starting immediately down this path. Now we have the leverage to pressure other countries into taking this same action...to protect our environment. This was a historic victory for the people, the Earth, and the quality of our lives. The new climate/energy legislation heading for a vote will only move us backwards. End.

[Additional articles about Buying & Selling the Right to Pollute:](#)

1 - The U.S. Senate upheld a decision by the U.S. Supreme Court on April 2, 2007: [Massachusetts v. EPA, 549 U.S. 497](#)

2 - Democratic Senator Rockefeller Has Introduced Senate Legislation to Delay or Stop the EPA from Regulating and reducing Greenhouse Gases or he is [Supporting Other Legislation](#) with the Same Intent. See Listing of Bills

Senator Rockefeller Introduced Bill to Delay Greenhouse Gas Emission Reductions by EPA on March 4, 2010: "To suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes." [U.S. Senate Bill 3072](#)

3 - Senator Byron Dorgan's Floor Speech on the Negative consequences of passing a [Climate/Energy Bill with Cap & Trade Provisions](#) and Offsets included.

4 - Passed U.S. House of Representatives on June 26, 2009.

The bill now goes on to be voted on in the Senate. Keep in mind that debate may be taking place on a companion bill in the Senate, rather than on this particular bill. [[Last Updated: Jun 27, 2010](#)]

There are 4 versions of [Bill Number H.R.2454](#) for the 111th Congress. Usually, the last item is the most recent. American Clean Energy and Security Act of 2009

Version 4: American Clean Energy and Security Act of 2009 (Placed on Calendar Senate - PCS) [[H.R.2454.PCS](#)][[PDF](#)]

5 - [Nuclear Power A Resurgence We Can't Afford](#) – Union of Concerned Scientists-August 1, 2009

6 - [Nuclear Power Subsidies Will Shift Financial Risks to Taxpayers](#) June 10, 2010 Report Union of Concerned Scientists:

"...The nuclear power industry is seeking tens of billions in new subsidies and other incentives in federal climate and energy legislation that would shift massive construction, financing, operating and regulatory costs and risks from the industry and its financial backers to U.S. taxpayers. Congress should reject these overly generous subsidies to this mature industry whose history of skyrocketing costs and construction overruns already has resulted in two costly bailouts by taxpayers and captive ratepayers—once in the 1970s and 1980s when utilities cancelled or abandoned more than 100 plants, and again in the 1990s when plant owners offloaded their "stranded costs...Massive new subsidies will only further mask nuclear power's considerable costs and risks while disadvantaging more cost-effective and less risky carbon reduction measures that can be implemented much more quickly, such as energy efficiency and many renewable energy technologies..."

7 - [Union of Concerned Scientists Backgrounder on Nuclear Power](#).

8 - NRDC July 2, 2010 Statement:

Tell your senators not to halt the EPA's ability to hold polluters accountable for global warming pollution

"...Senator Rockefeller (D-WV) has a plan that would undermine the Clean Air Act and block the Environmental Protection Agency from requiring cuts in global warming pollution for the next four years...Senator Rockefeller's proposal would let big polluters off the hook, keep America reliant on old, polluting energy technologies and take away valuable tools that the EPA needs to protect public health...Senator Rockefeller's plan is a step backward when we need to be creating a healthier planet for our children..."

9 - Earthjustice.org July 19, 2010 Statement:

"...At this moment, Senate leaders are racing to prepare a climate and energy bill for a vote before the August 9, 2010, month long recess. They are hearing loud and clear from big polluters, who are pushing for free passes (offsets or carbon credits) on long-standing controls for air pollutants that make up deadly lung disease-causing, cancer-causing, asthma-causing soot and smog.

They need to hear from you that this sweetener for big polluters would be poisonous for Americans. These are the nasty and lethal air pollutants that inspired Congress to craft the Clean Air Act and for President Nixon to sign it into law 40 years ago this year. Tens of thousands of lives are saved every year because of the pollution controls the law requires, and thousands more emergency room visits are avoided

We cannot allow this climate bill to be a way for big polluters to get out of Clean Air Act controls that protect us from dangerous soot, smog, and air toxics. The health and well-being of the American people is not a bargaining chip and any discussion of such a deadly trade-off must end..."

10 - New York Times July 8, 2010 [Halliburton & Natural Gas Drilling in the United States](#).

11 - Scientific American "[What the Frack? Natural Gas from Subterranean Shale Promises U.S. Energy Independence--With Environmental Costs](#)" March 30, 2010

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In 1995, Rosalind, now retired, became a certified California United State Department of Agriculture (USDA) Farm Service

Agency Agriculture Crop Loss Adjustor working in more than ten counties throughout California. Rosalind has a BA degree from Sonoma State University in Environmental Studies & Planning (ENSP), with emphasis on using solar power, photosynthesis, agriculture, and crop production.

Between 1989 and 1993 Rosalind worked as an Agricultural Technologist for the Mendocino County Department of Agriculture. After leaving Mendocino County she took a position with the USDA Farm Service Agency as a Program Assistant in Mendocino, Sonoma, and the Salinas County Offices, where she worked until becoming certified as a crop loss adjustor for the State.

E-Mail: info@californiaskywatch.com

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[Farming Bugs Could Reduce Greenhouse Gases from Agriculture, according to UN Paper](#)



Written by Jeannie Moulton

Published on August 5th, 2010 in [Agriculture](#), [Eat Drink Better](#), [Food Crisis](#), [Vegetarian](#) and [Vegan](#)

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If there existed a local food that was high in protein, calcium and other vitamins, that would help reduce greenhouse gases from agriculture, *and* was available in thousands of different flavors, it would seem too good to be true...and it is, because the food that fits this bill is bugs.

The United Nations has been on a search for meat alternatives since recommending [cutting back on meat as a way to reduce global warming](#). A policy paper on bug farming as an alternative, which was authored by entomologist and insect-eating enthusiast Professor Arnold van Huis, is being formally considered by the UN.

Insects make up a large chunk of the world's animal biomass, so it makes sense to consider eating them. Because insects are cold-blooded, they are metabolically extremely efficient. They don't convert food energy into heat energy, unlike cows or pigs, for example. In short, compared to mammals, they need less food to grow big enough to feed us, which makes them a more sustainable food source in terms of resources used and greenhouse gas emitted.

Getting people to eat bugs sounds great in theory, but are they delicious? Probably not yet according a majority of western taste buds. For us weak-

stomached westerners, van Huis suggests that a good starting point would be bugs ground-up and made into a patty, basically so no one knows they are eating bugs – yum, cockroach burger. Eventually, this could go mainstream – van Huis likens eating bugs to eating shrimp. It could even help reduce obesity – instead of buying potato chips, get a bag of healthy baked crunchy crickets.

Bugs are eaten all over the world, particularly in the East. That means that some people find them tasty. If they really could produce less than one-tenth of the greenhouse gases that mammal meat produces, perhaps from the UN's point of view, it is worth a shot.

But why not just go vegetarian?

Maybe I shouldn't be so skeptical, but I don't know many people that would eat bugs, and I know that I certainly won't. I eat a plant-based diet, and I'm healthy from it, so why would I let a bug be the middle man between me and my delicious plants? It seems less efficient (and less appetizing) than me just directly eating the plant.

The other claim I don't understand is that the UN paper suggests before getting westerners to eat bugs directly, a better way may be to feed bugs to the food that westerners already eat, since animals like chickens and fish naturally eat insects. How is this more efficient than just feeding chickens plants? Food would have to be grown for bugs to eat too. It just seems that insects would again be the middle man.

Do westerners really love meat so much that if they couldn't get a steak, they would opt for a bug patty? I don't think so. Since meat isn't necessary in the quantities that it is eaten in the western world, the "meat crisis" really only exists as long people are convinced that they need to eat 2-3 servings of meat per day. I'd bet most westerners [would go vegetarian](#) before eating 2-3 servings of bugs, in patty form or not.

But again, maybe it's just a mental thing for me. They could be delicious and we westerners could be missing out.

Would you eat bugs?

Do you think eating bugs is a viable solution to the problems we face with food? Would you try eating bugs? *Have* you tried eating bugs? Would you rather eat bugs as meat than eat a vegetarian diet if mammal meat were no longer available?

References:

<http://www.popsci.com/science/article/2010-08/humanity-needs-start-farming-bugs-food-says-united-nations-policy-paper>

<http://www.guardian.co.uk/environment/2010/aug/01/insects-food-emissions>

<http://www.thisislondon.co.uk/news/article-23489201-just-the-cricket-eating-insects-is-good-for-us-and-for-the-environment-scientists-claim.do>

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